

# Avowing Truth, Embodying Justice:

A Theological Analysis of Truth-Telling and Transitional Justice in South Africa

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VRIJE UNIVERSITEIT

**Avowing Truth, Embodying Justice:  
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in South Africa**

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## Summary

This study presents a theological analysis of the hermeneutic and ethical challenges of truth-telling in the pursuit of justice within the context of transitional justice in South Africa. The main research objective of the study is to deepen understanding of the exchange between theological perspectives on truth-telling for justice, and the enacted mandates of transitional justice. This exchange is drawn from the Truth and Reconciliation Commission (TRC) and is shown to have implications for the public theology of the Dutch Reformed Church in South Africa.

The first chapter introduces and frames the systematic, theological rationale and methodology of the study and the chosen hermeneutical contours concerned with historical theology, Christian ethics, and public theology. A porous division is introduced between ascribing truth and constituting truthfulness, in order to test the theological argument for the embodiment of truth-telling. Naming this division is a descriptive attempt that contributes to contouring the challenges of avowing truth while embodying justice. Based on a public theological rationale and methodology, these challenges are addressed as theological problems with consequences for Christian public witness.

Chapter Two and Four explore these challenges of truth and truthfulness as enacted in both the Truth and Reconciliation Commission (TRC) (Chapter Two) and in Reformed public theologies in South Africa (Chapter Four). In Chapters Three and Five, two conversation partners are chosen to aid the analysis of the challenges of truth-telling; Michel Foucault, primarily in conversation with the TRC, and Dietrich Bonhoeffer in conversation with Reformed public theologies in South Africa. The historical philosophy of Foucault on regimes of truth is taken from his Louvain lecture series *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice* (Chapter Three). As a long-standing conversation partner in the formation of public theologies in South Africa, Dietrich Bonhoeffer's thought on truth-telling is chosen and drawn specifically from his essay, *What Does it Mean to Tell the Truth* (Chapter Five).

The sixth chapter concludes the analyses presented in this study by summarizing and drawing together the contours of truth, truthfulness and truth-telling in the previous chapters. These contours are shaped by perspectives on how truth and truthfulness have been enacted in transitional justice, and in Reformed public theologies in South Africa, and by asking how a focus on truth-telling has contributed to better understanding how truth and truthfulness



function in transitional justice. Finally, these various perspectives on the problematic of truth-telling are used to suggest future research possibilities for the Dutch Reformed Church in South Africa, especially regarding race and sexuality as issues of human dignity and theological anthropology.

The contours of a theological hermeneutic of truth-telling that emerge from the TRC, Foucault, Reformed public theologies, and Bonhoeffer demonstrate the practice of confession as a quintessential form of avowing truth and embodying justice. This study demonstrates that conceptual clarity and historical descriptions of what it means to tell the truth has made a theological enquiry into truth-telling more suited to the demands of restorative justice. The research contributes to the demands of working with verifiable (whether through judicial practice, personal testimony or other) information; the demand of qualifying and identifying who is responsible for the action steps necessary to bring about justice; and the demand to know how those telling the truth come to know what they claim as truth and as true. The concept of *truth-telling* emerges as an apt description for the embodiment of truth and truthfulness and is therefore not a stand-alone concept. Truth-telling is unavoidable for both theological witnessing and for transitional justice practices as it stresses the embodied nature of what it means to tell the truth for justice.

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In writing this dissertation I have had to wrestle with my own truth-telling; locating my voice, finding language for my embodiment, and rethinking the sincerity and accuracy of my truth-telling. Finally, I would have to agree with both de Beauvoir and Bonhoeffer when they write:

I tore myself away from the safe comfort of certainties through my love for truth —  
and truth rewarded me.

- *Simone de Beauvoir, All Said and Done*

The truth shall make you free.  
Perhaps this is the most revolutionary word  
in all the New Testament.

The truth shall make you free,  
this is extremely unpopular, at all times.

All of us are afraid of the truth.  
This anxiety is essentially our anxiety of God.

God's truth is God's love  
and God's love frees us from ourselves  
for the other.

To be free means nothing else except  
being in love.  
And being in love means nothing else except  
being in God's truth.

- *Dietrich Bonhoeffer*

## Chapter One: ‘doing’ the truth?

*Krog: “Weren’t you irritated that you had to listen to four versions of South Africa’s past?”*

*Tutu: “Four versions...four...exist of the life of Christ. Which one would you have liked to chuck out?”*

(Krog, 1999:198)

*Religious truth belongs to a different order, to the order or sphere of what Augustine called ‘facere veritatem’, ‘making’ or ‘doing’ the truth*

(Caputo, 2001:115)

### 1.1. Avowing Truth: A Theological Impasse?

For the Dutch Reformed Church (DRC), doing theology has always been an attempt at *avowing* truth. As a truth-seeking community it struggled for, and against, the ideology of apartheid. This reforming struggle birthed confessions of truth and led to attempts at discerning moments of truth, thereby leaving a theological legacy and carving out a theological landscape in the Reformed tradition. The contours of this inheritance remain important for doing theology after apartheid, as theological analyses of what it could mean to tell the truth will demonstrate. Divisive and diverse, these understandings of speaking truth continue to present challenges of avowing truth as an apparent theological impasse on the road to reconciliation and justice. For a new generation seeking to do theology after apartheid, these challenges and this theological inheritance continues to cast both a light and a shadow.

The witness of the Truth and Reconciliation Commission of South Africa (TRC) presents contours of truth-telling as a primary landscape for this contextual, historically situated study of the avowal of truth. The TRC trials that are treated in this study are indeed public performances about truth that have helped to form the foundation of just life in South Africa after apartheid – in a multiplicity of ways. They demonstrate that the practice of avowing truth, or *truth-telling*, is by any measure contested and constrained, even more so in a formal hearing. Precisely because the TRC trials brought together not only this ethical conundrum of truth and justice, but because they present an intersection of epistemologies and praxes – judicial, philosophical, psychological, historical, political, and indeed theological – they too remain

impossible to “chuck out”. Moreover, the TRC’s legacy and inheritance, together with the reconciliation ethic of Nelson Mandela, also remains contested and therefore relevant in the imagination and civic action of a post-1994 generation.<sup>1</sup>

This testing of *truth* and *justice* presents itself not only in contemporary legal disputes or transitional justice mechanisms but is weaved into the Biblical witness – whether in Job’s trial before God, Israel being charged by God (and God being on trial Himself), or Jesus’ own trial before Pontius Pilate. The “four versions” in the Gospels each contain a different account of Jesus’ trial before Pilate that led to his crucifixion, though the account captured in the Gospel of John presents us with this trial in a way that demonstrates categorically how Jesus’ trial was a public trial about *truth*.<sup>2</sup> It therefore also invites the challenge at the heart of this study that is set against the backdrop of public trials – how to speak the truth for justice.

The plurality seen in the witnesses surrounding the life of Christ is paralleled by the witnesses that sought truth through the TRC. While plurality cannot ignore epistemological challenges regarding truth, these witnesses present foundational moral questions on the relationship between truth and justice such as, “How can one tell truth and speak justice at the same time? How can truthful speech be a foundation for just speech?” (Foucault, 2014:29). Both ‘truth’ and ‘justice’ have an ambiguity, a complexity, attached to how they form part of our vocabulary and grammar, also theologically. This is reflected in the many Christian injunctions to tell the

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<sup>1</sup> See for example the analysis by the coordinator of the Ashley Kriel Youth Desk at the Institute for Justice and Reconciliation, Eleanor du Plooy (*Why talking about the TRC is still important 20 years later*). She writes, “Many youth...have come to regard the TRC as a process that served only to appease those who had benefitted from apartheid and an exercise that served to maintain existing power imbalances with only cosmetic changes. ... Younger people who are understandably disillusioned by failed promises must hold society to account when their generation cannot prosper. At the same time not being there when the TRC was happening means a significant context eludes many” (Du Plooy, 2017). Also those involved at the TRC continue to reflect on its legacy of struggling for justice. See for example contributions in *Mail & Guardian* by former TRC investigative head, Dumisa Ntsebeza, *Justice Delayed: The TRC Recommendations 20 Years Later* (Yates, 2018) and former TRC commissioner Yasmin Sooka, *The Truth and Reconciliation Commission has still not resulted in restorative justice* (Sooka, 2018).

<sup>2</sup> Perhaps no other witness in the biblical canon makes it clearer than Jesus’ trial in John 18 that the concept of truth presents *theological* problems of truth-telling; it demonstrates the apparent theological impasse of avowing truth. In this passage, Jesus and Pilate enter into a conversation, a debate, on his kingship and on truth. It ends with Pilate’s question, “What is truth?”. This question, to which Jesus does not respond verbally, has been called “the most celebrated question in the whole of the New Testament” (Williams, 2000:76). Beneath it lays a fascinating theological witness to the judgment of truth, truthfulness, and indeed “the way, the truth and the life” (John 14:6).

truth – whether witnessing, testifying, not lying, being honest, confessing sin, or confessing faith. Therefore, putting the avowal of truth on trial is a daunting ambition, even though a host of contextual qualifications and limitations are stipulated in this study.

In order to present a limited and accountable attempt at analyzing truth-telling, the contextual landscape of transitional justice in South Africa is taken seriously. Doing theology after apartheid in South Africa is indeed an inevitable invitation to engage with the enactments of ‘truth’ and ‘justice’; two contested, foundational concepts in any theological trajectory that seeks to overcome division after injustice. As Albie Sachs, a former judge of the Constitutional Court of South Africa, probingly states in relation to the TRC, “The question asked in jest almost two thousand years ago still had to be answered: What is truth?” (Sachs, 2009:80). This South African context presents a unique case for relating truth and justice, not least because of the democratic transition and the complexities of transitional justice. This is seen in the link of truth and justice to *reconciliation* in the TRC that was also unique within transitional justice practices; reconciliation as dealing with the past, looking backward, and also looking forward, by attempting to open the way for a democratic future. A significant part of this task of doing theology after apartheid in South Africa is therefore also the (contextual) clarification of religious terminology within faith communities and within the public domain. This clarification deserves not only conceptual clarity, but historical positioning and analysis that engages with ethical and hermeneutical dimensions.

Moreover, a particularly theological contribution takes seriously the point made by John W. de Gruchy about the distinct character of theology, when he states, “How pointless it would be if we were simply to provide religious terms in which the discussion about political reconciliation could be clothed in order to make it more palatable to religious people” (De Gruchy, 2002:46). Indeed, the echoes of Pilate’s question reverberate on the contours of interpretations of the canonical witness to truth and justice; but they also reverberate within a very specific context and discourse in South Africa. It is thus clear that the TRC stands within a “longstanding if intermittent” series of South African projects invoking the notions of justice and truth within “an essentially contested rubric” (Du Toit, 2005:420).<sup>3</sup> The hermeneutical challenge of truth-

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<sup>3</sup> For an interesting comparative study of three chapters in South Africa’s history of how truth and justice have been related, see the paper by the political scientist and philosopher André du Toit, *Experiments with Truth and Justice in South Africa: Stockenström, Gandhi and the TRC* (Du Toit, 2005). He traces the political and intellectual antecedents of the TRC in South African history through the figures of Andries Stockenström, instrumental in

telling for justice continues to present itself in doctrinal and ethical conundrums facing the church in South Africa.<sup>4</sup>

The enduring nature of this challenge is also demonstrated in the observation made regarding how Christian theology has reflected on the TRC: “Perhaps the most important insight,” according to the Reformed public theologian D.J. Smit, “has been that dealing with these stories of suffering on South African soil brought us face to face with extremely complex challenges, to which we still do not have adequate answers” (Smit, 2007:333). Smit then continues to clarify these challenges as not only “the way in which we speak in public and contribute to public discourse and opinion,” but also the challenges of “the content of what Christians and churches have to say” (2007:333). Truth – but also the telling thereof – presents continuing, unresolved theological questions.

This study contributes to the public theology of the Dutch Reformed Church. This is done by a systematic, theological analysis of *truth-telling* in the form of *contouring* (mapping out, identifying, differentiating) the historical and conceptual uses of *truth* and *truthfulness* in the transitional justice context of South Africa. It thus addresses the unresolved and inescapable hermeneutical question that churches in South Africa’s transitional justice context face: *how truth-telling is related to restorative justice*.

In seeking to better understand how embodied theological practices can speak to the problems of truth-telling in transitional justice, I study specific texts by Michel Foucault, Dietrich

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“frontier liberalism” during the early nineteenth century as *landdrost* (magistrate) of Graaff Reinet, and Gandhi, pioneer of *Satyagraha*, a practice of non-violent resistance as a way of mobilizing “truth-force” against injustice and oppression. Du Toit writes, “If South Africa’s history and politics have produced ample documentation of injustice and untruth – from its protracted history of conquest and colonization to the racial policy and ideology of modern apartheid formally deemed a ‘crime against humanity’ by the United Nations – it has also been less than clear who in this context is in a position to speak and act for justice and truth, or with what effect” (Du Toit, 2005:419).

<sup>4</sup> For example, the theological landscape of truth-claims in the DRC has surfaced most recently in the discussion of same-sex partnerships and homosexuality. Several contributions made in the official newspaper of the DRC, *Die Kerkbode*, in recent years demonstrate this. References (mostly in reader’s letters) and uses of ‘truth’ (*waarheid*) demonstrate the conceptual ambiguity in making ethical-theological arguments. ‘*Wêreldse hof*’ praat hier ook bybelse Waarheid, meen drukgroep (Kerkbode, 2019); *Die NG Kerk, die wil van God en die Waarheid* (Cronje, 2019); ‘*Net een Waarheid*’ (Vosloo, 2016); *Die Enigste Waarheid* (Schmidt, 2016); *Soek die Waarheid* (Vosloo, 2016); *Genade en Waarheid* (Haasbroek, 2016); *Bly by die Waarheid – met liefde en deernis* (Janse van Rensburg, 2016); ‘*In liefde en Waarheid*’ (Otto, 2016); *Bevrydende Waarheid* (Engelbrecht, 2017); ‘*n Oomblik van Waarheid*’ (Marais, 2017).



Bonhoeffer, and Reformed public theology in the South African context. While Foucault and Bonhoeffer wrote from their own contexts and in no way considered South Africa explicitly, their texts make valuable contributions. I will not be trying to articulate all the ways that these authors, or transitional justice or moral philosophy in this context, can be considered ‘theological’. That is an interdisciplinary project well worth undertaking and others have had the good sense to pursue it. That is not my aim. My aim is both more modest in terms of my close readings of literature on transitional justice, Foucault, and Bonhoeffer and more ambitious in terms of truth-telling and Christian theology. Simply, I think these texts help Christians (and perhaps others) think about truth-telling from the context of South Africa. This takes seriously “the prodigious capacity” of truth “to cross (and sometimes question, even destabilize) boundaries and to put in communication unlikely conversation partners” (Medina & Wood, 2005:1).

To do this, some introductory remarks on the challenges of truth-telling for justice are raised as outlines for this study (1.2). This includes mentioning some of the challenges in the TRC; the Dutch Reformed Church; the philosophical challenges of studying truth; some biblical uses of truth; the contextual challenges of justice; and the nature of doing public theology in South Africa. This is followed by an explanation of the methodology of this study as *contouring* (1.3). This includes a threefold division that will be used and tested in this study between *ascribing truth*, *constituting truthfulness*, and *ascribing truth-telling*. Finally, the research landscape is drawn, including the research questions and a brief division of chapters (1.4).

As a final precursor to this study, I wish to add my own confession as a form of truth-telling that also indicates some of the explicit contours that I am conscious of as researcher. I am implicated, situated, and invested in the context of this research; as a confessing Christian and ordained minister of the Dutch Reformed Church (a primary actor in historical trauma in South Africa); as being born in the dying hour of legislated apartheid; as a cis-gender, queer male; as an Afrikaner; as white; as being formally educated; and as financially, socially and historically privileged.<sup>5</sup> Admittedly, this study is an attempt at dealing with the legacy of historical injustice and truth-telling that is not only contextual and personal in the abovementioned ways but

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<sup>5</sup> Other social locations and identity markers could be added, though I perceive them as less important for this study.

indeed fluid; always intergenerational, always changing, and thus never a fixed object or subject that can be studied autonomously or independently, in any sense.

## 1.2. Background: Challenges of Truth-Telling for Justice

### **Introduction**

Few tasks seem as foundational for Christians as having the capacity to discern truth and truthfulness in public; to be able to evaluate ideological truth-claims in light of the Bible and tradition. This task that lays before Christians is demonstrably nuanced due to both the nature of ethics as something deeply contextual, and because of the wide range of possibilities that exist in theological methodologies of marrying doctrine and ethics in public life. Indeed, many historical examples help to illustrate this pervasive moral and theological problem, and also its urgency. Even a cursory overview of how Christianity has been both instrumentalized and embedded in political ideology – both its construction and deconstruction – in contexts such as Nazi-Germany or apartheid-South Africa highlight the complexity of this task. It is often only in hindsight that discerning voices, such as Dietrich Bonhoeffer or Beyers Naudé, are acknowledged for having this capacity for truth-telling.

Such discernment has persisted for millennia, as theologians and philosophers have probed Truth, Beauty, and Goodness as the universal aspirations of humanity; the so-called transcendentals. From Plato to Kant, this triad has structured the contours of the properties of being. To ask questions about truth, or to attempt to map any related practices of truth-telling as this study does, is indeed to delve into ambiguity, even mystery. It is evident that even this discussion on truth cannot avoid passing judgment on what is true and what is false, making it difficult to get ‘behind’ the concept of truth. Drawing a line in the sand to divide, categorize or distinguish various investigations into truth is no self-explanatory task. What follows is thus some contextual and conceptual clarification or contours. The challenges that follow should be read as introductory remarks that primarily provide context. Only some of these will be returned to as premises that I will attempt to prove and draw conclusions from.

### **A Commission for Truth**

Truth was at the center of the work of the Truth and Reconciliation Commission (TRC) of South Africa. It was legislated and deemed a necessary component for various manifestations of justice: understanding and healing the past, promoting national unity and reconciliation, and

ultimately essential for granting amnesty. The TRC demanded truth-telling for justice in different, often overlapping, but also seemingly contradictory ways. Its broad mandate set up an almost unattainable vision and presented all those committed to transitioning from an apartheid society with far reaching challenges. Headlined in its title and focus, its slogan espoused the morally and politically loaded vocabulary of truth and reconciliation: ‘Truth, The Road to Reconciliation’. Despite this explicit use of the term ‘truth’, the TRC was only able to define its understanding of truth retrospectively, as seen in the TRC Report. It therefore functioned in the public sphere with a presumed (and perhaps assumed) general understanding of what truth meant; what demands this truth implied and what outcomes it promised.

The value of studying how truth functioned in the TRC can be further demonstrated by noting that interpretations of what it meant to tell the truth from those participating in the Commission were not necessarily inhibited by foregone definitions. Though despite this, the TRC legislation, functioning and report writing, did have its own epistemic map of what truth meant, as will be demonstrated. The Report finally concluded that the four notions of truth that operated within the TRC included factual or forensic truth, personal or narrative truth, social or ‘dialogue’ truth, and healing and restorative truth (TRC Report Vol. 1, 1998:110 – 114).

The TRC was also a product of its time – epistemologically shaped by the context of postmodern shifts, but also ethically, as part of the international Human Rights movement. The TRC took place in a time of postmodern skepticism, but also in a time that included growing support for the idea that truth could be the basis of justice (Posel, 2008:125).

With its use of ‘truth’ the TRC was thus faced with multiple challenges. For some, ‘truth’ could be administered as a remedy to bring restoration and justice to heal the divisions caused by apartheid. But merely the conceptual use of ‘truth’ was filled with challenges. It was not clear how, and if, truth would indeed lead to reconciliation, but it was also not clear what ‘truth’ meant, or how it could be ascribed. *Telling* the truth, however conceived, was therefore also a challenge. This entailed dealing with not only truth, but also with *truthfulness*. How could the truthfulness of those participating be ensured, captured, or measured? Could truthfulness be constituted by the mechanisms of transitional justice, or was this left to those responsible for moral formation, not forgetting the overt influence of Christian faith and symbolism in the proceedings? Telling the truth became far more problematic than was recognized at the time of the institution of the Commission (De Gruchy, 2002:153). Precisely what telling the truth

had to achieve is best understood by acknowledging not only how complex the societal challenges facing the TRC were, but also through the official demand on truth-telling as found in the official mandate. The use of ‘reconciliation’ to summarize or capture this mandate also presented conceptual and legislative challenges, as reconciliation was, and is, a contested symbol - not only in the TRC, but also in public discourse. These challenges will be discussed at length in this study.

The legacy of the how the TRC dealt with truth, justice and reconciliation, remain part of the public discourse in South Africa, as the 2019 study by the Institute for Justice and Reconciliation suggests.<sup>6</sup>

### **Truth and the Dutch Reformed Church**

This study has a specific research interest in the context and theology of the Dutch Reformed Church (DRC). While this choice will be made clear in a subsequent section, an incomplete though introductory manner of presenting the ways in which truth has functioned – and presented challenges – in the DRC is offered here. This is done by way of a personal reflection by systematic theologian, Jaap Durand.<sup>7</sup> Durand’s contribution to the task of justice is widely acknowledged and honored, making his reflection on truth appealing.<sup>8</sup> Durand studied theology

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<sup>6</sup> This study, the South African Reconciliation Barometer (SARB), is available online at <https://www.ijr.org.za/portfolio-items/sa-reconciliation-barometer-2019/>. See also Mafolo, K. 2019. ‘Truth-telling, justice and mercy are key to achieving reconciliation’. *Daily Maverick* [Electronic], 12 December. Available: <https://www.dailymaverick.co.za/article/2019-12-12-truth-telling-justice-and-mercy-are-key-to-achieving-reconciliation/> [13 December 2019].

<sup>7</sup> On the occasion of his 75<sup>th</sup> birthday, a *Festschrift* was published for Durand titled, *Discerning God’s Justice in Church, Society and Academy*. As this title reveals, this publication contains insightful biographical detail and covers the various spheres of Durand’s life from the perspective of justice. See Conradie, E. & Lombard, C. (eds.). 2009. *Discerning God’s Justice in Church, Society and Academy. Festschrift for Jaap Durand*. Stellenbosch: Sun Press.

<sup>8</sup> Durand’s contribution to justice has been honored and acknowledged through honorary doctorates from three universities in the Western Cape – University of Cape Town, Stellenbosch University, and University of the Western Cape (Smit, 2013:294). For this clear focus on justice see the essay by Smit, “...(T)hose who pray and do justice and wait for God’s own time...” *On Jaap Durand* (Smit, 2013:293-302). Smit takes the title from a sermon by Bonhoeffer collected in *Letters and Papers from Prison*. He gives many examples to substantiate the observation that Durand’s deeds and virtues speak to a particular understanding of justice – that of a theological ethics of vision and values. Smit concludes his essay by writing, “We often misunderstand Bonhoeffer, because we forget the third aspect – waiting for God’s own time. In the same way we misunderstand Durand if we see only the picture [a reference to a newspaper image published during student protests at the University of the Western Cape of Durand] and the ethics and forget the theology, no, the piety, the spirituality, the mysticism from which the life and the ethics flowed” (Smit, 2013:302).

as a seminarian of the Dutch Reformed Church in the 1950's and went on to serve as minister and later as moderator of the Dutch Reformed Church in Africa and professor in Systematic Theology at the University of the Western Cape. His life and work therefore coincided with the height of apartheid, and from a context deeply connected to struggling for justice.

As a reflective exercise on his theological formation, Jaap Durand makes a threefold division of the methodology that has characterized his way of doing theology. Each has its own framework of truth, as the title reads, "*Hoe my gedagtewêreld verander het: van ewige waarhede tot gekontekstualiseerde metafore*" (How my mind has changed: from eternal truths to contextualized metaphors) (2002:64).<sup>9</sup> These three phases are a retrospective grouping of ways in which Durand grappled with the contextual reality in which he was doing theology in South Africa. Therefore, these phases are a mirror, in one sense, of the theological frameworks in the theological milieu in which Durand studied and taught. Narrowly defined, this was the Reformed theology of the Dutch Reformed Churches he encountered at Stellenbosch University and taught at the University of the Western Cape. Durand's threefold division serves as a useful framing to further engage theological methodologies that will be traced in this study.

The first phase was characterized by "eternal truths" (2002:65); set "theological principles" that could be applied timelessly and a-historically in a scholastic method of theology.<sup>10</sup> The doctrine of predestination is one example of this theological method of ordering entire theological paradigms through foundational doctrines. This method was clearly demonstrated through the biblical 'principle' of separation in creation (based on Genesis 11:1-9 and Acts 17:26) used to justify apartheid. Texts about the unity of the church were also used in similar fashion to oppose apartheid, creating an irreconcilable, oppositional theological rift. The difference seemed to lay in value systems, not in theological paradigms. Durand admits his indebtedness to Bennie Keet, professor in ethics at the theological seminary in Stellenbosch, whose value system resonated with Durand.<sup>11</sup> Durand started studying theology in 1956, at the

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<sup>9</sup> This essay was also reproduced in a publication at the occasion of his 80<sup>th</sup> birthday, see Du Toit, D. (ed.). 2014. *Jaap Durand praat oor eenheid, versoening en geregtigheid*. Wellington: Bybelkor.

<sup>10</sup> Durand notes how this way of doing theology took form in the 17<sup>th</sup> century in Protestant Orthodoxy, as a return to scholastic theology of the Middle Ages, that took its lead from the philosophy of Aquinas.

<sup>11</sup> Beyers Naudé also speaks highly of Keet as one of his greatest theological influences early in his life. He represented character traits that resonated with Naudé such as critical thinking, strong conviction, and truthful defiance (Naudé, 1995:28).

height of Afrikaner-civil religion, which was deeply influenced through “dormant natural theology” (2002:66) imbedded in the cosmology of Abraham Kuyper.<sup>12</sup>

The second phase that grew in resistance to the method of “eternal truths,” was that of “historical contextualization” of truth (2002:67). Durand gradually discovered the Reformed prompting of grappling with the Bible in a dynamic historical-critical manner, which was heightened by the context of poverty and dispossession of his black congregants in the area in which he was working as a minister.<sup>13</sup> Durand had studied at the Vrije Universiteit Amsterdam and it was here that he was exposed to Barth’s Christology and critique of natural theology, and also the work of the Dutch theologian Berkouwer, amongst others. The onset of the Cold War, growing decolonization of Africa and Asia, and other global shifts had emphasized this historical focus in theological reflection and hermeneutics. It was during this time while also serving in his local context, and by listening to voices such as *The Message to the People of South Africa* (1968), that Durand was able to put his finger on *reconciliation* as the fundamental theological doctrine that apartheid ideology opposed.<sup>14</sup> The ethical consequences and outworking of the separation of the church along racial and ethnic lines had been an ongoing critique at that time. The precise articulation of the doctrinal fault line of the apartheid ideology was the “irreconcilability of people” (2002:68).<sup>15</sup>

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<sup>12</sup> The theological trends that were dominant in this time in the DRC and the Kweekskool at Stellenbosch, and which inevitably influenced Durand’s ministry, were the South African neo-Calvinism, the Reformed evangelical trend, and the Neo-Fichtean romantic nationalism (Coetzee, 2010:445). For a study on these theological trends in the Dutch Reformed Church, see Coetzee, M.H. 2011. *Die "kritiese stem" teen apartheidsteologie in die Ned Geref Kerk (1905-1974): 'n analise van die bydraes van Ben Marais en Beyers Naudé*. Wellington: Bybel-Media.

<sup>13</sup> Some of the names that Durand recalls that exerted influence on his theology in this time include colleagues in the Dutch Reformed Church in Africa: David Bosch, Willie Cilliers, Beyers Naudé, and Sam Buti, as well as friends Jaap Furstenberg, Hennie Rossouw, Willie Jonker, Bethel Müller, John de Gruchy and Phil Robinson (2002:67).

<sup>14</sup> It was particularly the phrase regarding separate development that “rejects as undesirable the good reconciliation and fellowship which God is giving us by his Son,” that gave Durand the insight about the doctrine of reconciliation (2002:68).

<sup>15</sup> This was not the only theological or doctrinal critique against apartheid. Van Wyngaard traces at least three possible loci of theological frameworks that undergirded the ideology of apartheid - ecclesiological, anthropological, and soteriological. See Van Wyngaard, C. 2019. Plurality in the theological struggle against apartheid. *Journal of Reformed Theology*, 13 (2):120-134.

An oft-referenced birthing place where this precise theological opposition to apartheid was formulated was one of Durand's classes in Systematic Theology at UWC in 1978.<sup>16</sup> Apartheid was called "essentially anti-evangelical (meaning, against the heart of the gospel)" (Botman, 1996:40) and therefore a theological defense of apartheid could be deemed not merely as a problematic ethical application, but indeed a theological heresy.<sup>17</sup> Reconciliation thus became a "flagship" term within the debate among Dutch Reformed Churches according to Botman, or a "liberating metaphorical device," "pregnant" with meaning and hope (Botman, 1996:40).<sup>18</sup> This distinction between an ethical objection and a theological heresy is fundamental, as it distinguishes between mere practical execution or application of a theological doctrine or loci, versus the very doctrine itself. How this naming of heresy played out historically is significant and is covered in this study.<sup>19</sup> Durand was moving into his third methodological phase.

The final methodological shift for Durand was one of language.<sup>20</sup> He describes his expanding understanding of the Christian faith not merely as something deeply contextual, but also a *linguistic event* ("taalgebeure"). Historical awareness and linguistic theory are thus linked by 'contextual metaphors' (Smit, 2013:295). He makes mention of the theology of David Tracy, influenced by the work of Hans-Georg Gadamer, which introduces analogy and "interpretation-as-conversation" between 'my' truth, and the truth of the text.<sup>21</sup> The conversation is "an exploration of possibilities in the search for truth" (Durand, 1993:5). Analogy and metaphor

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<sup>16</sup> This event is recalled by Russel Botman in Botman, H.R. 1996. Narrative Challenges in a Situation of Transition, in H.R. Botman. & R.M. Petersen. (eds). *To Remember and Heal. Cape Town: Human and Rousseau.* 37-44.

<sup>17</sup> Cf. De Gruchy, J.W. & Villa-Vicencio, C. (eds.). 1983. *Apartheid is a Heresy*. Cape Town: David Philip.

<sup>18</sup> During the height of apartheid, Johan Heyns, professor in systematic theology and later moderator of the Dutch Reformed Church, contributed to a publication, *Stormkompas*, that sought to reflect on the responsibility of the Dutch Reformed Church in that time (1981). His reflection, '*n Teologiese perspektief op die kerk in die Suid-Afrikaanse konteks van die jare tagtig* (A Theological Perspective on the Church in the South African context of the Eighties) was critiqued by Jaap Durand for its failure to be contextual, precisely because it failed to acknowledge the need for confession of guilt as part of reconciliation. Durand writes, "In South Africa, there cannot and may not be deliberated about reconciliation unless the question of guilt is included" (Smith *et al*, 1981:21-23) (Cf. Williams, 2013:237-250).

<sup>19</sup> The Belhar Confession followed this theological logic. Durand views it as the culmination point of an extended wrestling to find within the historical context of apartheid South Africa the central driving force ("sentrale dryfpunt") of the gospel.

<sup>20</sup> See Durand, J.J.F. 1993. Theology and Resurrection - Metaphors and Paradigms. *Journal of Theology for Southern Africa*, (82):3-12.

<sup>21</sup> Cf. Tracy, D. 1987. *Plurality and Ambiguity: Hermeneutics, Religion, Hope*. San Francisco: Harper & Row.



thus became two linguistic devices to articulate theological truth, giving deeper meaning to historical contextuality. In another of his articles, Durand explains this understanding of metaphor as follows:

The metaphor is the only access to a specific understanding of some or the other matter and, therefore, plays an inalienable function in the human process of gaining knowledge. In this process we make use of our imagination which in its turn makes use of what we have, what we know and what we are so that we may reach and understand those things which we only vaguely feel we are able to reach and understand. ... The Bible itself makes use of imaginative metaphors in an effort to try to say what cannot be said in any other way. Thus, theology without metaphors is unimaginable. In a sense theology is metaphor (1993:10).

The concept of *analogy* is brought into relationship with *metaphor*. Durand follows Tracy's concept of analogy by framing theology as an "analogical replacement of metaphors" (1993:10). This replacement is an attempt at interpreting the intention of the Biblical metaphor, done with the help of tradition, and then creating a new metaphor that reflects one's own context and self-understanding. He sees this theological method of metaphor replacement or transfer ("metafoorverplasing") in the work of theologians throughout history, mentioning the *analogia entis* of Aquinas and others (2002:70).<sup>22</sup> The widespread use of metaphors by theologians throughout history attest to the ongoing search to reflect and internalize the metaphoric world of the Bible, which according to Durand helps us to remain humble in our own search for God. The "eternal truths" of his formative years are in a way transformed into new meaning through metaphor. However, he confesses how this return is imbued with caution and a willingness to have these metaphors of truth be replaced, in accordance with the changes in his own life in the duration of time.<sup>23</sup>

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<sup>22</sup> Following Durand's 1993 publication, Tracy developed his work on analogy in his 1998 work, *The Analogical Imagination: Christian theology and the culture of pluralism*. In this work he distinguishes between three publics, the church, academy and society. This division has been widely used within theology classified as "public theology" (Tracy, 1998).

<sup>23</sup> In the publication *The Edge of Words: God and the Habits of Language*, Rowan Williams raises the question of how our language and the way we speak can say something about the universe we live in. He writes, "The recognition that we may be telling the truth about our world through unusual habits of speech – metaphors, gestures, fictions, silences – is a recognition of the diversity of ways in which information comes to us and is absorbed and embodied afresh. But to see this is also to see how we might formulate the idea of an abundant or 'excessive' reality engulfing our mental activities so that our language does strange things under its pressure; and this is where connections with theology most strongly suggest themselves" (Williams, 2014:xii).



Durand's theology was born in his rejection of the injustices of the apartheid society (Smit, 2013:298). Smit asks the probing question of *why*: "Why did his commitment to justice follow from his theology?" and, "Was his passion for theology and for justice therefore different passions, or somehow linked?" (Smit, 2013:300). Here and elsewhere, Smit draws many contours of Durand's theology that demonstrate how his ethics and his theology were inseparable, contained within an "increasingly self-reflective theology, in the specific sense of a doctrine of God" (2013:301). This was rooted in his understanding of Calvinist theology that combined activism and pietistic mysticism seamlessly.<sup>24</sup> Durand's theological approach to justice was thus one that drew primarily and deeply from his understanding of who God is, but never abstractly. His theology was an embodied truth-telling about justice. Durand, and Smit, understood that theology does not have to do with systems. Smit stated in his inaugural lecture at Stellenbosch University: "The Christian faith knows no absolute truths. Dogmatics does not study dogmas. Systematic theology does not have systems. In fact, there are probably few disciplines in the university that are less dogmatic than dogmatics, less systematic than systematic theology" (Smit, 2002:215). How these contours of truth and justice contribute to this study will have to be demonstrated. I now turn to the philosophical complexity of using the notion of truth and the challenges this presents.

### **Truth and Truthfulness as a Philosophical Problem**

The complexity of using the notion truth is already evidenced by these observations regarding the TRC and the theology in the Dutch Reformed Church. Indeed, studying the concepts truth and truthfulness opens one up to a range of theoretical possibilities and organizing principles. While the aim of this study is not to defend or construct its own theory of truth, it is necessary to account for interpretations of how *truth* has been used in both primary and secondary literature on the TRC, which covers more than a single academic discipline or field. This study acknowledges and builds from a popular approach by observing the following distinction: learning about the properties of truth by studying the concept, as distinct from looking at its properties to understand it as a concept. Some term this division a study of *the theory of truth* (what is truth?) versus a study of the theory of *justification of truth* (when is it proper to call a

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<sup>24</sup> Smit recalls his W.D. Jonker Memorial Lecture in 2007 titled, "Calvinistiese aktivisme en piëtistiese mistiek – sluit hulle mekaar wedersyds uit en wat beteken dit vir Suid-Afrika vandag?" (Calvinist activism and pietist mysticism – do they exclude each other mutually and what does that mean for South Africa today?), unpublished lecture (Smit, 2013:300).

belief true?) (Carr, Klaassen, Zuidervart, 2013:5). The former is to *ascribe truth*, the latter is to *constitute truthfulness*.

Other philosophical debates distinguish ‘foundationalism’ from ‘skepticism’ to draw a similar division, or absolutist versus relativist. This would be to draw a division between those theories that argue that truth *does* have a nature, and those that believe it *does not* have a distinct nature or property (“robust theories” versus “deflationary theories”, as classified by Michael Lynch) (Lynch, 2001:4).<sup>25</sup> There are surely various ways to explore this tension between so-called absolutist and relativist positions on truth. One could view it as a spectrum, with one end claiming the positions of traditionalists, realists, objectivists, rationalists, universalists, Platonists; the other that of postmodernists, idealists, subjectivists, social constructivists, contextualists, post-foundationalists, pragmatists.<sup>26</sup> And where theologians offer answers about truth, they could adopt a position on this spectrum, connecting their theory of truth to their endeavors of theological explication; their sources and their hermeneutics.

This distinction is not always made *explicitly* by theologians who engage with either truth or truthfulness. However, as the theologian Bruce Marshall points out, “arguments about what it is for Christian beliefs to be true, and how we should give warrant for or decide about their truth, are deeply embedded in modern Christian theology, dispersed across a wide range of rubrics bearing other names: “prolegomena to theology,” “theological method,” “knowledge

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<sup>25</sup> Robust theories ask questions such as, “Is there such a thing as absolute truth, or is all truth in some way or other subjective or relative? What sort of relationship, if any, do true propositions have to the world? Are all truths verifiable by sense experience? Could it turn out that even our best theories could be false? And so on. Broadly speaking, these questions all concern the objectivity of truth. Thus, the key issue for robust theories of truth is realism” (Lynch, 2001:5). Deflationary theories, on the other hand, question whether there is at all something like a robust property of truth. Lynch explains: “Driven by the seemingly intractable disputes over the nature of truth, as well as by a broadly empiricist epistemological attitude, deflationists hold that there is no single robust property shared by all the propositions we take as true. Consequently, our concept of truth should not be understood as expressing such a property but be seen as fulfilling some other function” (Lynch, 2001:5). He positions the various theories on truth on the robust-deflationary continuum according to their answers to questions on the nature of truth (Lynch, 2001:4).

<sup>26</sup> Simon Blackburn does well to articulate these positions in his introduction to *Truth: A Guide* (Blackburn, 2005:xiii-xxi). Some other studies of postmodern theories of truth include Richard Kirkham, *Theories of Truth: A Critical Introduction* (Cambridge: MIT Press, 1992); Pauline Rosenau, *Postmodernism and the Social Sciences* (Princeton: Princeton University Press, 1992); Simon Blackburn and Keith Simmons, eds., *Truth* (Oxford: Oxford University Press, 1999); Bernard Williams, *Truth and Truthfulness: An Essay in Genealogy* (Princeton: Princeton University Press, 2002); Richard Rorty, *Objectivity, Relativism and Truth: Philosophical Papers* (Cambridge: Cambridge University Press, 1990); Cory D. Wright and Nikolaj J. L. L. Pedersen, *New Waves in Truth* (New York: Palgrave Macmillan, 2010).

of God,” “revelation,” and so forth (Marshall, 2004:9).<sup>27</sup> Not only is the question of truth at the heart of the Gospel, but the pursuit for truth remains at the center of philosophy’s directive.<sup>28</sup> Many other valuable, if not essential, questions on truth could also be asked.<sup>29</sup>

Bernard Williams’ study of the relationship between truth and truthfulness helps to make sense of these contours. He underscores the indivisibility of truth from truthfulness, “accuracy” from “sincerity,” when he writes, “If you do not really believe in the existence of truth, what is the passion for truthfulness a passion for? Or—as we might also put it—in pursuing truthfulness, what are you supposedly being true to?” (Williams, 2002:8). Concerning the ongoing problem of connecting truthfulness to truth, he warns that “If the passion for truthfulness is merely controlled and stilled without being satisfied, it will kill the activities it is supposed to support” (2002:10). He attempts to “intellectually stabilize” this relationship by seeking ways to marry the ascribing of truth to the need to constitute truthfulness in a way that satisfies the truth-teller, the one embodying truth-telling (2002:10). By using the term *truth-telling*, this study tries to account for this relationship.

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<sup>27</sup> Such rubrics of truth are indeed embedded in all fundamental issues in philosophy, such as ethics, epistemology, metaphysics, philosophy of language, philosophy of mind, political philosophy, and aesthetics. What is more, the debate on truth also covers questions concerning belief, assertion or endorsement, authenticity, reality, knowledge, logic, objectivity, communication, standards of correctness, identity, freedom, creativity, and others.

<sup>28</sup> Several authors treating the topic of truth in recent publications acknowledge this: “It is not as though philosophy is first delimited as such and then brought to bear on the question of truth; rather, the way in which the question of truth is addressed, the way in which truth is determined as such, determines the very project of philosophy” (Trakakis, 2014:367). Medina and Wood make the same claim, stating, “throughout the history of philosophy, truth has remained one of the most fundamental philosophical notions, and it continues to occupy a special place” (Medina & Wood, 2005:1). However, they structure their research on a “normative turn” in contemporary philosophy: “But the philosophical debate on truth has taken a new and distinctive turn in contemporary philosophy: *a normative turn*” (Medina & Wood, 2005:1). This normative turn is explained as follows: “The normativity of truth does not just mean that truth claims are simultaneously value judgments. It means that ‘truth’ is a space with its own ends, ends that are inseparable from other ends such as freedom and justice. ‘Truth’ designates a normative space, a constellation of desiderata or principles that regulate discourse and agency and what can be disclosed in and through them” (Medina & Wood, 2005:3).

<sup>29</sup> These questions could include, for example: Why do I seek to tell the truth? (*ethical* dimension); How do I experience truth? (*phenomenological* dimension); What is the truth that I seek to tell? (*Epistemological* dimension); What is the nature of the truth that I seek to tell? (*ontological* dimension); How do I discern truth? (*hermeneutical* dimension).

One can also acknowledge the division that can be made between Continental philosophy and analytic philosophy in treating questions of truth.<sup>30</sup> The so-called “classic approaches” (Blackburn, 2017:5) to truth, typically responses dominated by analytic philosophy, include correspondence, coherence, pragmatism, deflationary theories and the semantic theory of truth. Trakakis shows how truth in the analytic tradition is fundamentally an *epistemic* notion. “In holding sentences or propositions to be true one is in effect claiming to be correctly representing the world. ... It affords us with representational knowledge of reality, or an account which correctly conforms with how things really stand” (2014:369). Truth in this sense is primarily the property of language (sentences), mind (judgements) or abstracta (propositions) (2014:369). Each of these approaches associated with analytic philosophy has its own set of critiques, and there is by no means consensus on any one philosophical theory to answer the question of “what is truth”, despite each emphasis making a valuable contribution that should not be overlooked in proposing answers to related questions of truth. This study does not attempt to engage this discourse primarily. However, part of the challenge for truth commissions that have to produce authoritative and official accounts of history is precisely to deal with the epistemological complexity brought about by scholarly philosophical shifts in the twentieth century.

The tradition of Continental philosophy offers alternatives to these epistemic formulations. Arguably the most influential contribution in the 20<sup>th</sup> century on the notion of truth in this tradition is that of Martin Heidegger. A concise summary of Heidegger’s contribution can be explained by how he understands the Greek word *alēthēia* (ἀλήθεια), *truth*. Etymologically, he understands the word to be comprised of the privative prefix *a-* (un- or dis-) and the root *lēthē* (meaning ‘hiddenness’, ‘closure’, or even ‘forgetting’). He writes, “If we translate *alēthēia* as ‘unconcealment’ rather than ‘truth’, this translation is not merely more literal; it contains the directive to rethink the ordinary concept of truth in the sense of the correctness of statements and to think it back to that still uncomprehended disclosedness and disclosure of beings” (Heidegger, 2005:249).<sup>31</sup> It is this “unconcealment” that will be treated as “avowal” in this

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<sup>30</sup> For a comparison in the treatment of truth between these traditions, see Trakakis, N.N. 2013. Truth, or the futures of philosophy of religion. *International Journal of Philosophy and Theology*, 74(5):366–390. “Continental philosophy is far less homogeneous in terms of goals, methods, conceptualities and overall framework principles, leading some to even deny the very existence of Continental philosophy” (Trakakis, 2014:370).

<sup>31</sup> This disclosure of beings, Trakakis explains, has three levels. The first is disclosure via prepositional statements; the truth asserted corresponds to the reality of the entity in itself, and thus discloses or “unconceals”

study. It raises the question of telling the truth and lying.

Another way of viewing the challenges of truth-telling is to speak about lying. Lying has its own contours, though dealing with truth-telling will need to deal with lying. The pivotal issues that seem to emerge from philosophical and theological treatments of lying can be centered around two questions: Firstly, the arguably morally relative or non-moral descriptive question: *what is a lie?* Secondly, the morally divisive question, *is lying ever permissible?* Griffiths asks, “When, if ever, should or may the lie be told?” (Griffiths, 2004:13). Or as Sissela Bok has formulated it, “Is there, then, a theory of moral choice which can help in quandaries of truth-telling and lying?” (Bok, 1989: xix).<sup>32</sup> Comparable to understanding truth-telling, perspectives on lying would also require answering both, whether explicitly or implicitly. Put very simply, today the question of whether lying is ever permissible is dominated by a *yes* (usually followed with some exceptions on some moral standpoint – a non-absolutist position on lying), but for centuries (in the West) it was answered with a dominant “never” (the absolutist position).<sup>33</sup> We

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it (2014:371). The second is a hermeneutical disclosure; truth is disclosed through things being themselves, their ‘ontic’ selves (2014:372). Lastly is Heidegger’s understanding of disclosure as the truth of Being (*Dasein*); a ‘primordial’ truth (2014:373).

<sup>32</sup> Opposing conclusions by major philosophers about whether or when lying is permissible highlight the need for clarification. In his Tanner Lectures on Human Values, *Truthfulness, Lies, and Moral Philosophers: What Can We Learn from Mill and Kant?* Alasdair MacIntyre speaks of two moral traditions, represented respectively by John Stuart Mill and Immanuel Kant. Mill represents the tradition that supported the need to exempt certain types of lie from the general prohibition of lying, whereas Kant was a member of the tradition that found the prohibition on lying exceptionless. The latter includes Aristotle, Augustine, Aquinas, the Catechism of the Council of Trent, Pascal, and Protestant theologians both before and after Kant (MacIntyre, 1994:315). This position can be labelled ‘absolutist’. Importantly, the disagreement for some has more to do with positions on the definition of a lie than with moral disagreements but does not preclude inquiry into marked differences regarding *why* these positions are taken.

<sup>33</sup> For Augustine, a lie is any “duplicious utterance” and “it is never under any circumstances proper” (Griffiths, 2004:14). By “duplicious utterance” Augustine emphasized duplicity – a gap between what a liar thinks and what they say, clearly evident to the speaker as they speak. The lie is “a matter of interiority, of speakers intent and decision” (2004:38). Its antonym is sincerity. According to Griffiths, the treatments of the questions by Plato and Aristotle did not produce such a “coherent and thought-through definition of the lie ... together with a methodical and thoroughgoing position on the question of its acceptability” (2004:14). Augustine’s was also a particularly Christian account, and therefore “the first systematic position in the West, as well as the first explicitly and fully Christian position” (2004:14). Notably, “... Augustine strongly defended the claim that it is nevertheless always unacceptable to lie, for any reason whatsoever, and he was followed in this conclusion by almost every significant western theologian, saint, and pope who spoke or wrote about this issue for at least the next millennium” (Tollefsen, 2014:6). Tollefsen continues to contextualize the shift in a morally absolute view: “And so, by the 1960s, at which time the conviction that some sort of acts are never to be done had lost, not only to secular, but also to many Christian and Catholic thinkers, the ideas that there could be a moral absolute against lying had come to seem archaic and indefensible” (Tollefsen, 2014:6). Dissecting this view holds value, especially in identifying why such views are so widespread today, and where (and why) strong non-absolute arguments persist. As Bok

see that answers in this search of appropriate circumstances for lying are unavoidably coupled with a choice for a moral framework.<sup>34</sup> Dealing then with the moral issues of lying, and truth-telling as the opposite of lying, will need to acknowledge the differences and the overlap between the domains in which questions of truth and truthfulness are asked - the epistemological and ontological domain on the one hand, and the unavoidably ethical with a focus on truthfulness on the other hand. Hovey writes, “Truth is something to know; truthfulness is what we do with it” (2011:181). Indeed, “Truth and truthfulness are not identical, any more than falsity and falsehood” (Bok, 1989:6). This discussion warrants some more clarification on how truth, truthfulness, and truth-telling are used in this study, and will be covered when laying out the methodology of the study. Some more contours – those found in the bible – can further locate the challenges and background to this study, to which we now turn.

### **Biblical Grammars of Truth**

In addition to these philosophical and contextual perspectives, some biblical uses of the concept truth can be considered. The bible has its own witness in the language of truth, and there are different translations of truth in the Hebrew Bible and the New Testament writings. What follows is not any textual exegesis, but merely some contours that further situate this study theologically. Of concern here is how truth functions in the biblical witness, without attempting an exhaustive biblical study on truth. These contours commonly translated as ‘truth’ in both the Hebrew Scriptures and the New Testament writings are a foundational source for Christian theology and its understanding of what it means to tell the truth.<sup>35</sup>

The Hebrew word translated as ‘truth’ is אֱמֶת (emeth), with the literal meaning of *stability*. It is most directly translated with *reliability*, *faithfulness*, and *truth*, and has the figurative meaning

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notes, “We need to look most searchingly, not at what we would all reject as unconscionable, but at those cases where many see *good reasons* to lie” (Bok, 1989:xxi).

<sup>34</sup> Indeed, in seeking answers to whether lying is ever permissible, two issues regarding the moral theory or criteria become important, highlighted by MacIntyre: the *nature of the offense* committed by the liar; and how these positions are *justified* (MacIntyre, 1994:316).

<sup>35</sup> For some theological dictionaries and lexicons, see Brown, C. Briggs, S. Driver, R. 1906. *The Brown-Driver-Briggs Hebrew and English Lexicon*; Harris, R. L. & Archer, G. L. & Waltke, B. K. 1999. *Theological Wordbook of the Old Testament*. Chicago: Moody Press; Freedman, D. N. 1996. *The Anchor Yale Bible Dictionary*. New York: Doubleday; VanGemeren, W. 1998. *New International Dictionary of Old Testament Theology and Exegesis*. Grand Rapids, MI: Zondervan Publishing House.



of certainty, trustworthiness and truth. This noun is necessarily used in different ways in the Hebrew scriptures.

In the sense of *ascribing truth*, it ascribes this stability to God's character and his loyalty to people.<sup>36</sup> It often appears together with חֶסֶד (chsd). For people, to 'do' the truth, is loyalty or faithfulness to God, which is fulfilled by doing God's will and fulfilling the law.<sup>37</sup> In other instances, there is a personification of truth. The psalmist tells God to "guide me in your truth" (25:5); the psalmist asks God to "send forth your light and your truth" to lead him (43:3); the psalmist asks the Lord to "ride forth victoriously on behalf of truth" (45:4). The psalmist desires to walk in God's truth (86:11). In the sense of *constituting truthfulness*, people are also described as אֱמֶת (emeth) in terms of faithfulness or reliability.<sup>38</sup>

The Greek words used most often to speak of truth are ἀλήθεια (alétheia), ἀληθής (alēthēs, "true"), ἀληθινός (alēthinos, "true," "real"), ἀληθεύω (alētheuō, "to tell the truth"), and ἀληθῶς (alēthōs, "truly"). The etymology of the word discloses its meaning as 'unconcealment', or 'revelation'. The *alpha* prefix is a negation and *letho* means 'hiddenness'. Therefore, as a composite it reflects the concept of 'un-hiddenness'. It therefore is distinct from the Hebrew *emeth* also translated as truth. As has been noted, work done by the philosopher Martin Heidegger in the 20<sup>th</sup> century helps to recover the meaning of this Greek word. In Greek literature *aletheia* it is used most often in reference to the real or full state of affairs, therefore intellectually to distinguish between true and false. Its use in the New Testament is influenced by Hebrew Scripture and the classic and Hellenistic meanings. πίστις (*pistis*) or δικαιοσύνη (*dikaïosynē*) are also occasionally used to speak about truth. Truth can be predicated of people as well as propositions.

Regarding ascribing truth, the function is to refer to what is real. References such as Galatians 2:5,14 and Ephesians 1:13 call the Christian faith the truth.<sup>39</sup> Christ as the truth stands central, with explicit claims by Jesus (John 14:6), as mediator of the truth (1:17), as part of the work of the Trinity; the Holy Spirit leads people (16:13). Jesus' ministry is aimed at people knowing the truth (8:32; 2 John 1), living in it (John 3:21), and abiding in it (8:44). Obedience to truth

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<sup>36</sup> Some examples include Genesis 24:27; 32:10; Exodus 34:6; 2 Samuel 2:6; Psalms 25:10; 61:7; 89:14; Micah 7:20.

<sup>37</sup> Some examples include 1 Kings 2:4, 2 Kings 20:3, Isaiah 38:3, Psalms 86:11.

<sup>38</sup> Some examples include Exodus 18:21; Joshua 2:14; Nehemiah 7:2.

<sup>39</sup> See also 2 Corinthians 4:2; Colossians 1:5; Hebrews 10:26; 3 John 3–4.

is demanded (Romans 2:8; Galatians 5:7). This includes telling the truth as the opposite of lying.<sup>40</sup>

Constituting truthfulness functions when truth is related to character, where the idea of dependability and truthfulness is at play. This can apply to God (Romans 3:7; 15:8) and to people (2 Corinthians 7:14; 12:6; Ephesians 5:9). The quality of speech as honest and sincere is spoken about.<sup>41</sup> It is used to categorize true and false (Mark 5:33; Ephesians 4:25).

Indeed, much more could be understood in these references to truth by studying the philosophy and knowledge systems that influenced these uses in scripture. If we return briefly to the consummate encounter between *truth* and *justice*, between Jesus and Pilate, some perspectives on truth-telling also become clearer.

Jesus, before he “suffered under Pontius Pilate” (Apostles’ Creed), or was “crucified under Pontius Pilate” (Nicene-Constantinopolitan Creed), was required to give an account of the truth of who he was. Here Pilate can be seen to function as the symbol of unjust political use of law, power, culture, knowledge and public opinion.<sup>42</sup> Jesus’ testimony to *truth* is his own embodiment. According to John 1, the Word became flesh and was full of truth (John 1:14;17), because of his unique relationship to the Father, but also to the Spirit, the Helper: “But when the Helper comes, whom I will send to you from the Father, the Spirit of truth, who proceeds from the Father, he will bear witness about me” (John 15:26).<sup>43</sup>

The Gospel of John furthermore makes this link between knowing the truth, belonging to the truth, being helped and led into truth, and sanctification. Jesus says, “Sanctify them in the truth; your word is truth. As you sent me into the world, so I have sent them into the world. And for

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<sup>40</sup> See Romans 9:1; Ephesians 4:25; 1 Timothy 2:7.

<sup>41</sup> Mark 5:33; John 4:18; 8:40; 16:7; Acts 26:25.

<sup>42</sup> In the creed, Pilate represents the failure and perversion of human justice. Smit points out how the dominant understanding of Pilate in the Reformed tradition has been of as him of judge, as one exercising the responsibilities of the legal system and representing human justice (Smit, 2009g:25-26).

<sup>43</sup> From these same references, Marshall concludes, “Apparently both saying what truth is and deciding what is true depend on identifying the triune God, and on being the subject of his community-forming action (2004:3). In *Trinity and Truth*, Bruce Marshall argues that the uniqueness of the Christian truth claim is *primarily* its trinitarian identification of God. He argues that the doctrine of the trinity is the only epistemic test of the truth for the church, and any other efforts “to find a post-Enlightenment epistemic middle for Christian belief” has proven insufficient (Marshall, 2004:4). See Marshall, B.D. 2004. *Trinity and Truth*. Cambridge: Cambridge University Press.



their sake I consecrate myself, that they also may be sanctified in truth” (John 17:17-19).<sup>44</sup> This exchange demonstrates how having knowledge of the truth is in fact also to *practice* and *participate* in an ethical life of truth and truthfulness. “According to the Scriptures,” writes James Smith, “knowing the truth is only instrumental to ultimately doing the truth” (Smith, 2006:106). Pilate’s question is a response to Jesus’ witness to truth. Jesus’ statement is a claim that as Logos of God, he *participates* in God, in truth. The Spirit also leads us into all truth (John 16:13). So, we come to knowledge of the truth by *participating* in Christ. Ward writes,

The object of such knowledge is not merely an intellectual comprehension. It is also an acquirement, a habit. In fact, it is only an object of knowledge insofar as it is acquired. The truth has to be lived, physically, socially, cognitively, and spiritually. This knowledge, the knowledge of this truth, conflates any Aristotelian distinction between theoretical and practical that is anything more than just an aid to a better understanding, a propaedeutic (Ward, 2016:182).

Ward draws on the words of Kierkegaard, who writes, “the truth is obviously not to know the truth but to be the truth” (Ward, 2016:182).<sup>45</sup> As Jesus belongs to the truth, so do those who believe and *participate* in an ethical life of discipleship.<sup>46</sup> In a similar vein, the philosopher Caputo writes,

Religious truth is not the truth of propositions, the sort of truth that comes from getting our cognitive ducks in order, from getting our cognitive contents squared up with what is out there in the world, so that if we say ‘S is p’ that means that we have picked out an Sp out there that looks just like our proposition. Religious truth belongs to a different order, to the order or sphere of what Augustine called ‘facere veritatem’, ‘making’ or

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<sup>44</sup> Rowan Williams, in *Christ on Trial*, reads the four gospels through the lens of being judged as different dramas that involve us, put us on trial, and in that “to be released by that judgement into the light of truth” of who God is and who we are in God’s sight (2000: xvi).

<sup>45</sup> According to Ward, Pilate’s hanging question exposes the depth of his ignorance. He is ignorant about the meaning of Christ, of God, of Truth, of Love. He is lost in his ignorance. But, as Ward writes, “Only love can affect the miracle of being found and drawn into the truth”. He continues, “God’s love calls continually. It is the reception and response that is key. Being loved will not affect the miracle, only being able to respond in love. In a sense, Pilate has the answer to his question before him; in a sense that answer is offered to him. But he cannot or will not respond. It is this that installs what Kierkegaard describes as the ‘infinite difference’ between Pilate and Christ; and there is something appalling in that word ‘infinite’. In the Gospel of John, Christ is hidden from Pilate who wants truth to be an object to be intellectually examined” (2016:185). For an analysis of the political theologies of Pilate and Christ in John’s Gospel see Ward, G. 2009. *The Politics of Discipleship*. Grand Rapids, MI: Baker Academic Press, 285–293.

<sup>46</sup> Richard Campbell offers a performative conception of truth, *truth as faithful action*, in his publication *Truth and Historicity*, see Campbell, R. 1992. *Truth and Historicity*. Oxford: Clarendon Press.

‘doing’ the truth (Caputo, 2001:115).

Some have interpreted Jesus’ silent response to ‘*what is truth?*’ as a victory for Pilate; that Jesus is cornered with the most daunting of philosophical questions and is left speechless. Yet a different interpretation of Pilate’s question, and Jesus’ responses, can be observed. Pilate could be seen to speak here for the cynics - those that question Jesus’ own claim to bear witness to the truth, and perhaps also those who question any human attempt at truth-seeking or knowing ‘the truth’. Is Pilate’s discourse a ‘post-truth’ discourse?<sup>47</sup> Pilate’s question could, in this sense, be interpreted as a cynical, rhetorical question, that dismisses Jesus’ claim that “everyone who is of the truth listens to my voice” (John 18:37b). It is thus more than merely questioning or relativizing epistemological or ontological truth. Pilate thus questions Jesus’ authority as king, his royal character. Pilate thereby rejects the salvation that Jesus offers through his kingship. The result of such ‘post-truth’ cynicism is the denial and crucifixion of Christ. Reflecting on this passage, Williams reminds us of the cost of discipleship:

Truth and death are brought together with alarming closeness: truthful living is the full acceptance of the real and concrete danger of pursuing faithfulness in this world; it is an acceptance of risk and mortality. It is also a letting go of what denies such mortality, what deceives us into believing that faith will not put us at risk – literally at risk of persecution and death, and more widely at risk of losing those securities and defenses which tame the God we worship in Christ (Williams, 2000:78).

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<sup>47</sup> ‘Post-truth’ is a term with considerable currency in recent public and political discourse, globally, but not least in western sources. This adjective was chosen as the 2016 Oxford Dictionaries’ Word of the Year and defined as “relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief”. The ‘post-truth’ circumstances in which appeal to emotion and personal belief are valued, are seen in the rise of political populism. The media use of the term was fueled by the 2016 EU referendum in the United Kingdom referendum (Brexit) and coverage of the U.S. presidential election. In these sources it was used together with terms such as ‘fake news’ and ‘alternative facts’. It showcases a renewed urgency to address how vulnerable populations deal with questions of power, democratic values, and race relations, to mention a few. See *Word of the Year 2016 is...* [Online]. [n.d.]. Available: [www.en.oxforddictionaries.com/word-of-the-year/word-of-the-year-2016](http://www.en.oxforddictionaries.com/word-of-the-year/word-of-the-year-2016) [2017, June 5]. Other examples of major media pages that featured this focus on ‘post-truth’ includes *Post-truth Politics: The Art of the Lie* [Online]. Available: <https://www.economist.com/news/leaders/21706525-politicians-have-always-lied-does-it-matter-if-they-leave-truth-behind-entirely-art> [2017, 5 June] and *Is truth dead?* [Online]. Available: <http://time.com/4709920/donald-trump-truth-time-cover/> [2017, 5 June]. Some recent publications that have engaged directly with ‘post-truth’ include: James Ball, *Post-Truth: How Bullshit Conquered the World*, (London: BiteBack Publishing, 2016); Ari Rabin Havt and Media Matters for America, *Lies, Incorporated: The World of Post-Truth Politics* (New York City: Anchor, 2016); Post-Truth: Matthew d’Ancona, *The New War on Truth and How to Fight Back*, (London: Ebury Press, 2017); Evan Davis, *Post-Truth: Peak Bullshit - and What We Can Do About It*, (United Kingdom: Little Brown Book, 2017); Julian Baggini, *A Short History of Truth: Consolations for a Post-Truth World*, (2017); Ken Wilber, *Trump and a Post-Truth World* (Boulder: Shambhala Publications, 2017).

Jesus' own witness suggests that his identity explains his silence. Jesus' own witness here is preceded by references to belonging to the truth. In John 14, Jesus states, "I am the way, and the truth, and the life. No one comes to the Father except through me" (John 14:6).<sup>48</sup> Jesus continues to promise to his disciples, "And I will ask the Father, and he will give you another Helper, to be with you forever, even the Spirit of truth, whom the world cannot receive, because it neither sees him nor knows him. You know him, for he dwells with you and will be in you" (John 14:16-17).

In their introduction to *To Remember and To Heal*, the first thorough theological reflection on the Truth and Reconciliation Commission, Russel Botman and Robin Petersen recall Jesus' trial before Pilate. They recall how Pilate's questioning of truth as a response to Jesus could have been frustrated by his task to perform legal justice, that has always had a difficult relationship with truth. "Jesus ... sees that witnessing to the truth is more than what courts of law can do. It appears that truth possesses a powerful force which is able to divide people between those who turn it into a matter of theory and those who turn it into an issue of praxis (witnessing)" (1996:9,10). For justice to be served as a form of public theology, ascribing truth is a requirement, but Pilate's seemingly cynical response to Jesus' truth-telling highlights his own choice for choosing how truth and justice function.

It is in Jesus' belonging, in his *embodiment* of truth-telling, that truth and justice can relate. It is this form of truth-telling that we find in Jesus' response to Pilate's questions about his kingship and his authority. Some more contours – those of justice – can further locate the challenges and background to this study.

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<sup>48</sup> Cf. Meylahn (2007) who considers "fundamental postfoundational evangelism in a postmodern plural society" in reference to this verse. Meylahn asks, "What would evangelism entail in such a context of fundamental postfoundational theology?" and suggests, "But this [kingdom] needs to be proclaimed and more than proclaimed, it needs to be lived – I am the way and the life. It is as Augustine said, "facere veritatem" – a truth not known as in epistemology, not a fundamental truth, not an absolute truth, not a universal founding principle, but a fundamentally theological truth, namely a way of living the truth. A way of beginning to think theologically or maybe even better a way of beginning to be thought by the Other, a way of being called by the Other to a way of life. It is, maybe, a way of being responsible to the Other – an unconditional responsibility towards the other" (Meylahn, 2007:543).

## Justice as Challenge: “Which Justice? Whose justice?”<sup>49</sup>

A limited search for justice has been viewed by some as a part of the fabric that constituted apartheid. In one view, apartheid was the Afrikaners’ way of dealing with the aftermath of the South African War and British rule, with their continuing experiences of poverty, hardship and exclusion. This perspective could argue that a lack of real *restorative* justice led to the need to continue fostering memories of bitterness, and a strong impetus to be self-sufficient, powerful, independent – *apart*. Consequently, this vision of justice resulted in widespread, systematic injustice for the majority living on the land.<sup>50</sup> Given the histories of injustices on this soil, it is interesting to note that in no other period or by no other mechanism in South Africa’s history have the injustices been treated with such focus and intention as seen in the process of the TRC. The choice to take the TRC as point of departure in order to contour the public discourse on justice in South Africa can thus be further substantiated in the following ways.

As early as 1997, the theologian Tinyiko Maluleke presented an incisive observation regarding the skepticism of black South Africans about the TRC hearings.<sup>51</sup> Maluleke observed that despite the extensive media coverage and widespread international interest in the TRC, for the majority of black people the success or impact of the TRC and its focus on reconciliation could only be tested in the answers to their questions on justice. He emphasizes land restitution and real economic power as two examples of what he has in mind when speaking of justice (1997:329).

Current public discourse in South Africa, two decades later, on these same issues of justice and reconciliation reveal the incompleteness of some of these answers.<sup>52</sup> While this study does not

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<sup>49</sup> Smit uses this phrase in an article to reframe Alasdair MacIntyre, the American moral philosopher’s book title, “Whose justice? Which Rationality?” that became popular in the time that the transitional justice mechanisms in South Africa were being debated (Smit, 2007d:51).

<sup>50</sup> This argument is made by scholars that believe the history of conflict between the British and the Afrikaners in South Africa, particularly in the South African War, played a significant role in the creation of apartheid. See Krog (1999) and for a study on the psychological factors that impacted on the Afrikaners see Lewis, H.O. 2018. *Apartheid: Britain’s Bastard Child*. Piguat Publishers. For some background on how this history shaped the influential Reformed theologian J.D. du Toit (Totius) and his influence on apartheid theology see Smit (2007).

<sup>51</sup> Since the transition to democracy, Maluleke has been regarded “without a doubt ... the most outspoken and articulate scholar in South African circles in the fields of African theology and black theology” (Smit, 2009c:530).

<sup>52</sup> For example, see these recent reflections on the legacy of the TRC. Cf. Kimal, H. 2018. Truth seeking must continue to define our South African landscape. *Daily Maverick* [Electronic], 23 January. Available: <https://www.dailymaverick.co.za/opinionista/2018-01-23-truth-seeking-must-continue-to-define-our-south->

offer an in-depth assessment of the state of justice and reconciliation in South Africa roughly 20 years after the TRC, it takes the incompleteness of this task as premise.

The point is not, however, to see how the TRC could have done better or effected more justice. Quite basically, the TRC was an event that cannot be repeated. This does not mean that a historiographical perspective has nothing to offer. Cole remarks that macro-narrative approaches to interpreting the mandate of truth commissions tend to focus on issues of utility and efficacy, while the complexity and specificity of the *enactment* of its mandate is left unattended. Such a focus that engages the value of the TRC's enactment or embodiment is needed for "rendering and deciphering the profound truths the TRC brought to light" (Cole, 2010:xiv). Exploring answers to the questions of how and why the TRC contoured truth-telling in the form it did therefore needs to piece together the origins of the TRC from various perspectives, especially considering 'which justice' the transitional justice procedure adopted. Part of the reason why scholars have not exhausted historiographical perspectives on the TRC, according to Cole, is due to questions of efficacy and positivism that have driven the historiography of the TRC (Cole, 2010:xii).

Notwithstanding, the extent to which the TRC was 'successful' in fulfilling either of the demands of justice or reconciliation in its mandate has remained without general public consensus up until present. Therefore, while it is not within the scope of this study to present all of the arguments that serve to evaluate the 'success' of the TRC, some of the major critiques are mentioned throughout this study and help to give context.

A historical hermeneutic is followed to understand justice within transitional justice in South Africa. Transitional justice, despite a lack of consensus on its definitional basis, thus provides the context of the truth-telling that is studied. This study is therefore not an attempt to engage theories of justice in political philosophy directly. It does however take the TRC's self-understanding in its mandate and Report to account, particularly how it attempted to prioritize *restorative justice*.

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[african-landscape01/#.Wt-HL9RuaUI](#) [1 February 2018].; Findlay, K. 2018. Twitter's perspective of Winnie Madikizela-Mandela's legacy. *Daily Maverick* [Electronic], 25 April. Available: <https://www.dailymaverick.co.za/article/2018-04-25-twiters-perspective-of-winnie-madikizela-mandelas-legacy/> [1 May 2018]. The death of Winnie Madikizela-Mandela reopened the public debate on the measures of the TRC to ensure justice and reconciliation.

The contours of restorative justice, also as understood theologically, are taken as the primary understanding of justice to which truth-telling is related. This study is therefore concerned with the embodiment of *restorative* justice. The drawing of contours of restorative justice aims to demonstrate the discrepancies between truth and justice that have resulted in the need to revisit this chapter of public life in South Africa. This will have to deal with the criticism that states that the TRC was ultimately dissuaded by its attention to political stability, preventing civil war, and securing a transition of political power, all while ensuring safety and economic privilege for whites, and politically connected blacks.

This study uses justice as its justification of truth-telling – the avowal of truth that embodies justice. This raises the following questions: Does this use of restorative justice as a foundational theological truth or norm sufficiently address the ethical dilemma presented by truth-telling? Moreover, does this restorative justice have to be primarily forthcoming from scripture, or can it be determined or drawn from law, political science or other social sciences?<sup>53</sup> Likewise, what difference does context make in defining restorative justice? This invites some challenges related to context and a focus on the public nature of the TRC.

### **Doing Public Theology in South Africa**

The TRC was in all respects a public process. It formed, constituted and nurtured public life after legislated apartheid. The stories shared were done in front of the public – those at the hearings, those listening on radio, watching on television, or reading the daily news. The Report made public the findings of these narratives. It brought many hidden stories into the scrutiny of the public light. In various ways, it dictated and gave license to what could now be voiced

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<sup>53</sup> Public theologians such as Koopman anchor their understanding of justice in the Trinity and the doctrine of justification of the triune God (2014:630). This link between justice and justification is discussed further in this study in light of Reformed public theologies in South African. Koopman formulates it as follows: “Justification means that God declares us righteous because of the ultimate sacrifice of Christ. This imputed righteousness, i.e. righteousness that we possess because of our connectedness in faith to Christ, makes us people who practice justice. Those who are made righteous through a sacrifice also practice sacrificial justice” (2014:635). Koopman writes, “Just as dignity is portrayed as the dignity forthcoming from God, so we can argue that justice is forthcoming from God. Justice is the justice of God” (2014:630). The Reformed theologian, Nicholas Wolterstorff has reflected widely on justice in conversation with the context of South Africa. See Wolterstorff (2008; 2011; 2013).

For interpretations on justice in scripture, *mishpat* (forensic justice), and *tsedaqah* (compassionate justice, righteousness) in Hebrew and *dikaosune* (righteousness) in Greek see Birch, B.C. 1991. *Let justice roll down. The Old Testament, ethics, and Christian life*. Kentucky: John Knox Press. 155-156.



in public. This publicity meant that truth itself became a dialogical process amidst the plurality of the South African population. As Everett remarks:

Finding the ‘truth’ requires a labyrinth scramble through languages as well as religious and cultural assumptions about words, texts, gestures and rituals of reconciliation. Cultures of personal command clash with those of legality and records, while the truth of interpersonal confirmation runs up against the truth of transcendent ‘fact’. The truth itself becomes a process of negotiation and renegotiation within a variety of frameworks of meaning (Everett, 1999:157).

This search for truth in public, meant both the establishing and testing of a network of public associations as cornerstones of a democratic civil society. In this way, the TRC also helped to develop people’s consciences about a “higher law” and “deeper covenants” binding people together (Everett, 1999:158). The legal definitions in the Interim Constitution and the parliamentary Act shaped the logic of the TRC process. However, its legal framing, its political mandate, and its various ways of constituting truthful dialogue through the mechanisms of transitional justice set the initial agenda for the public sphere in South Africa. This agenda, tied to a reconciliation logic, comprised the reconstituting of a civil society and was tied to the religious and cultural anchors of people’s lives. Everett frames the work of the TRC as “an important effort to model the procedures for public life” (1999:157). This public task presumes a plurality of voices, each contesting for their understanding of the common good, and their minimal needs to participate in it (1999:157). The TRC was part of a search for “a grammar for life together” in South Africa (Smit, 2017:63). In short, this public exchange of truths all contribute to an understanding of how justice can be conceived. To grasp justice as the common good, some contours of the common life, and the language that constitute it in South Africa, are necessary.

Before elaborating on how *public* theology uses or shapes this grammar, the observation made by Smit in researching religion and civil society in South Africa can be recalled here: how one uses and defines “South Africa” determines how this common good is envisioned, and thus also the place and task of faith communities in civil society. Smit draws on the work of the South African political philosopher, Johan Degenaar, who at the time of the transition to a democratic South Africa argued for a vision of constitutionalism and for a model of a pluralist

democracy, as opposed to nationalism or ideals of building a nation (Smit, 2017:64,65).<sup>54</sup> Smit takes these visions of ‘nation-building’ and ‘democratic constitutionalism’, respectively, that have existed since then to conduct a heuristic analysis of different “social imaginaries”.<sup>55</sup> Discourse on ‘nation-building’ can be observed through different lenses (each can be traced in its historical development and through political decisions) of *national identity*, *national reconciliation* (adopted institutionally and socially by the TRC), *national economic reconstruction, growth and development*, and *national moral renewal*, whereas the vision for democracy has played out in different manifestations - constitutional, parliamentary, populist, and liberal democracy (Smit, 2017:71-76).

More than two decades after apartheid, the democratic landscape in South Africa is indeed fractured, and a lack of trust in democratic institutions and democratic promises characterize much of the public discourse. Smit finds that perhaps “nation” and “democracy” are for many no longer dominant imaginative constructs and that other imaginaries exist that attempt to “mobilize people in service of a much more inclusive African identity and future,” captured by keywords such as *ubuntu*, *globalization*, *dignity and human rights*, *new humanism*, *decolonization*, even *nihilism* (2017:79 - 81).

Justice in public life has thus been ascribed and constituted in far more ways than one, and Smit’s observation is compelling: “The way we talk will impact on the way we live together. The social imaginaries we use will impact on the way we understand the role of religion and civil society” (Smit, 2017:82). This brief introductory analysis of the different readings of public life in South Africa demonstrates convincingly the complexity of the South African public discourse. It almost serves as a brief encyclopedia for speaking about the nature and task of religion and civil society in South Africa today by collecting many of the major narratives.<sup>56</sup>

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<sup>54</sup> This argument was made in a contribution to The Institute for Democratic Alternative in South Africa (IDASA) and titled, *The Myth of the South African Nation*. See Degenaar, J. 1991. Nations and Nationalism: The Myth of a South African Nation. *IDASA Occasional Paper*, (40):1-17.

<sup>55</sup> The term is drawn from Charles Taylor’s, *A Secular Age*. Smit uses it narrowly to describe how South Africans imagine “the common understanding which makes possible common practices, and a widely shared sense of legitimacy” (Smit, 2017:85).

<sup>56</sup> For a further exploration of the use of “civil religion”, as drawn from Richard Bellah (*Civil Religion in America*), as a heuristic tool in understanding the South African realities see Smit, D.J. 2007. Civil Religion – in South Africa? in D.J. Smit. *Essays in Public Theology: Collected Essays 1*. Stellenbosch: Sun Press. 101-124.



These various narratives of social imaginaries with their diversity of language in constructing a national identity and a common good, must be linked to the history of apartheid (Smit, 2017:68). This observation stresses that what is *public* is not merely what is present or confined to future aspirations; history and memory also provide the vocabulary that constitute the grammar of public life.<sup>57</sup> Concepts such as ‘truth’ and ‘justice’ recall memories and have contextual histories that matter for public life. The TRC was instrumental in introducing these and other concepts (guilt, forgiveness, reparation, reconciliation) with their (Christian) memory into political discourse. In South Africa, all theology that is contextually engaged is in some way responding to these memories and histories of apartheid, or at least *from* a socio-political reality shaped by apartheid. Importantly, religious or faith communities use this grammar too (Smit, 2017:82). Being implicated in this history and its grammar, there is no use in churches speaking as if they function in some other public that is free from these contested visions. However, this raises the question of the explicit theological contribution in speaking about a life together. For this, some views on public theology are instructive.

Much of the academic discourse on ‘public theology’ – its definition, methodology, nature and content – has been dominated by North American or European (particularly German) scholars, the majority who are white males.<sup>58</sup> Public theology done in South Africa has drawn much from this discourse, but indeed with its own contextual accents. During the 1990’s Russel Botman, who would later establish the Beyers Naudé Centre for Public Theology, described the public theologies (in the plural) in South Africa as being in “a pre-paradigmatic mode”.<sup>59</sup> What these theologies had in common, was that they were grappling with *a society in transition*. The shifts in political, cultural and economic realities gave rise to these diverse and

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<sup>57</sup> “The memory of past struggles for justice has an important bearing on our present struggles,” writes Pumla Gobodo-Madikizela (2008:5). Verwoerd also has a sense that “the potential for forgetfulness has been very high,” especially “as far as white South Africans are concerned” (2000:160). For a collection of essays on South African church and theological history, see Volume XII in the Beyers Naudé Centre Series on Public Theology: Vosloo, R.R. 2017. *Reforming Memory*. Stellenbosch: Sun Media.

<sup>58</sup> For developments especially in the North American context see the works of Robert Bellah, Martin Marty, and David Hollenbach discussed in Breitenberg, E.H. Jr. 2010. What is Public Theology? in D.K. Hainsworth & S.R. Paeth (eds.). *Public Theology or a Global Society*. Grand Rapids: Eerdmans. 3-17. See also Breitenberg, E.H. Jr. 2003. To Tell the Truth: Will the Real Public Theology Please Stand Up? *Journal of the Society of Christian Ethics*, (23)2:55-96. and Stackhouse, M. 2004. Civil Religion, Political Theology and Public Theology: What’s the difference? *Journal of Political Theology*, (5):275-293.

<sup>59</sup> See Botman, H.R. 2000. Theology after Apartheid: Paradigms and Progress in South African Public Theologies, in W. M. Alston Jr., (ed.). *Theology in the Service of the Church*. Grand Rapids: Eerdmans. 36-52.

often competing attempts. However, there was no distinct methodology, and no way of grouping them to form a new normative ‘public theology’. This informed Botman as he envisaged and founded the Beyers Naudé Centre for Public Theology at Stellenbosch University in 2003 (Smit, 2017:75).

At the outset it can be noted that some theologians are largely skeptical or reject any use of the term ‘public theology’ for varying reasons. In South Africa, the term has been judged “too innocent and harmless ... confusing and misleading or outright dangerous and to be rejected” by some (Smit, 2017:74).<sup>60</sup> Not only is this because biblical-theological interpretations and traditions differ, but because publics differ too. If one underscores that public theology “can by definition only be practiced as public theologies in the plural,” as Smit does, then variation in how text (and tradition) and context are related to one another is foreseeable. How this should, or can, be developed as a set methodological move is contested (2017:74,75).<sup>61</sup> Without intending to defend the concept or methodology of public theology over against other definitions or attempting to subscribe to a particular formulation of public theology, I offer my understanding of including the terminology in this study by way of explaining my intentions. This is done in conversation with other public theologies.<sup>62</sup>

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<sup>60</sup> See for example Maluleke, T.S. 2011. The Elusive Public of Public Theology. *International Journal of Public Theology*, (51):79-89. Smit writes that according to these theologians, “it misconstrues the proper relationship between biblical-theological message and contemporary public life in South Africa. This form of criticism often stems from the circles of those who found their own way of engaging public life in forms of resistance and struggle, like the traditions of anti-apartheid theologies, black theologies, African theologies, liberation theologies, prophetic theologies, contextual theologies, Kairos theologies, and feminist theologies in South Africa (but also in other contexts). They do not want their theological traditions to be subsumed and thereby robbed of their power under broader and more general categories like public theology” (Smit, 2017:74). For a contribution that seeks to “constructively disrupt the prevalent discourses within public theology in South Africa” in this vein, see Urbaniak, J. 2018. Elitist, Populist or Prophetic? A Critique of Public Theologizing in Democratic South Africa. *International Journal of Public Theology*, (12):332–352.

<sup>61</sup> Michael Welker, in his work on Christology, notes the controversy that arises from the normative profile of theologies that present themselves “in an emancipatory context and incorporate an element of cultural, social or societal critique” such as variations of political theologies, feminist theologies, liberation theologies, post-colonial or decolonializing theologies. The doubt arises in their relationship to Jesus Christ and his spirit and whether this is more definitive than “moral, cultural-critical, and political-critical spirits” (2013:245). The tension is between “genuinely appreciating the breadth of Christ’s dominion” and not admixing or confusing political, moral and religious concerns and spirits (2013:246).

<sup>62</sup> Various contributions by systematic theologian D.J. Smit help to problematize the definition and use of ‘public theology’. He points out how the descriptions offered by those that use the term aim to justify their methodologies or distinguish (their) understanding and use from endeavors such as social ethics, civil religion, political ethics, and political theology, albeit with varying degrees of importance attached to these justifications and distinctions (Smit, 2017:73). Smit notes how public theology is used both expansively, as an umbrella term for all attempts to

The first intention of using the term is an attempt at doing Christian ethics as a way of bridging or integrating theological convictions and ethical practices; doctrine and ethics; gospel and law. This relationship is not merely conceptual, but has implications for ecclesial embodiment, and indeed the relationship of the church with the world. It could be called intradisciplinary work, defined narrowly within the discipline of theology. This need for integration or indivisibility between theological emphases is affirmed not least in Barth's *Dogmatics*, and by many others that have done theology as 'public theology'.<sup>63</sup> Such public theology is an attempt at helping theology not become distorted by overemphasis on one aspect of faith. Such an intention hopes to clarify the epistemic reality of theological analyses of truth-telling.

The second intention attached to my use of public theology is an attempt to do a theological analysis of truth-telling that is intelligible to both theologians or Christians while being comprehensible and perhaps persuasive to those outside of a religious tradition, such as those engaged in studying societies seeking to overcome histories of injustice and conflict. This is not to attempt a kind of universalism, but to engage consciously with those that share the public one is concerned with.<sup>64</sup> The interpretation of the TRC as a public, legal and secular translation

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relate text and tradition to public life, or narrowly, as a sub-discipline of social ethics. The former might designate 'public theology' as a *genre* that sees public theology as Christian witness (Cf. De Gruchy, 2007b:26); a witness to values that are important for the common good. For a collection of Smit's work on public theology, see Smit, D.J. 2007. *Essays in Public Theology: Collected Essays 1*. Stellenbosch: Sun Press. and Smit, D.J. 2008. *Geloof en Openbare Lewe*. Stellenbosch: Sun Press. In a valuable essay, Smit identifies six narratives in an attempt to cover the development of public theology in different contexts in Smit, D.J. 2013. The Paradigm of Public Theology – Origins and Development, in H. Bedford-Strohm & T. Reitmeyer (eds.). *Contextuality and Intercontextuality in Public Theology*. Münster: Lit Verlag. 11-24. See also the work of Nico Koopman where he reflects on some crucial contours for the development of public theology, showing not only the different approaches to public theology and the nature of its intra-, inter-, and trans-disciplinary approaches, but also highlighting that public theology is rapidly growing all over the world. The status of public theology varies as either a new theological discipline, sub-discipline, research field, organizer of curriculum, catalyst, or new contextual theology (Koopman, 2010:131).

<sup>63</sup> In Barth see especially his treatment of the prophetic office of Jesus Christ under the heading "Jesus Christ, the Truthful Witness," Barth, K. 2004. *Church Dogmatics*. Edinburgh: T. & T. Clark.

<sup>64</sup> One can also speak of different publics within a context, following groupings distinguished in formative works for public theology such as David Tracy. Tracy distinguished between church, academy and society. Tracy observes that "the claims to meaning and truth of all three publics" must be faced and addressed by theologians, and each according to criteria that is appropriate for evaluation (Tracy, 1981:29). For Tracy, all theology is public discourse, the only question is which public is being addressed. These three groupings are merely the different reference groups to whom Tracy argues the theologian can speak. See Tracy, D. 1981. *The Analogical Imagination: Christian Theology and the Culture of Pluralism*. New York: Crossroad.

of Christian embodiments of truth-telling provides both pitfalls and promises. These practices can include acts of confession, absolution, penance, and forgiveness, to name a few. Several scholars – such as De Gruchy, Smit, and Villa-Vicencio - have offered interpretations in light of the South African context. A critical review of these interpretations attempts to assess the value of such a methodology that seeks to be interdisciplinary, and also ultimately of the value of the practice of *truth-telling* as a two-edged sword cutting through theories of both Christian ethics and transitional justice aimed at reconciliation and justice.

Smit highlights the question of how *translation* of the biblical-theological content functions in public and how to participate in “public reasoning”.

It is not as if church (and theology) stands over against the world (in the form of the public sphere) speaking two different languages, although this perception still dominates and distorts much of the discussion about public theology and about the role of the church and the witness of faith. The reality is much rather that the church (in all its diverse social forms, including believers, congregations, denomination, ecumenical structures, office-bearers, theologians) participates in the many, diverse and complex, aspects and spheres, structures and institutions of public life and speaks many different languages at the same time, like all others (Smit, 2017:75).

Smit picks up Bedford-Strohm’s use of *Sachlichkeit*, “the competence to speak with insight and authority,” and *Interdisziplinarität*, “the need for public theology always to speak together with other disciplines and fields” to stress the indispensable form of knowledge that is part of public theology. He writes,

Perhaps this – the need for informed knowledge – is the only real criterion that can be used to describe public theology. It can never simply be believers and theologians (whether ministers, office-bearers, church commissions, or theological writings) giving running theological commentary (whether religious, biblical, doctrinal, or pious) on public affairs and issues, but it always requires others as well- other scholars, other sources, other insights, other participants, other perspectives, particularly, other knowledge (Smit, 2017:75).

The third intention follows from the second; to demonstrate not only the possible public audience, but also the public relevance or significance of a theological analysis of truth-telling

to those unfamiliar or unassociated with truth-telling in the South African context.<sup>65</sup> In South Africa, churches have had a public role for centuries, and have the responsibility to provide vision and leadership amidst overwhelming complexity, ambiguity, and contradiction. This implies being concerned with and also involved in the public good and conversations beyond the local congregation or theological seminary. This involves not only structures of power, but with social movements and grassroots initiatives. Christian faith is deeply intertwined with what happens in public life; the structures and choices that inform individual choices and therefore govern economic activity, how the environment is treated, what happens at polling stations, and many others. Public theology matters for public life. This intention to be relevant is to avoid providing answers to questions that no one, or only theologians are asking.<sup>66</sup> This intention therefore hopes to offer justification for the theological analysis of truth-telling and justice.<sup>67</sup>

## Conclusion

This background has covered various challenges of truth-telling for justice. Some have been broad observations that are unaffected by the particular context of this study, and others serve

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<sup>65</sup> Michael Welker quotes the German systematic theologian Wolfgang Huber on his understanding of public theology: “By ‘public theology’ I understand that particular theological activity that would examine the theological relevance of questions of life together and its institutional implementation and determine the contribution Christian faith makes toward shaping our present world and lives in a responsible fashion. By ‘public theology’ I at once am also referring to a form of theology that, rather than retreating into a specialized “innertheological” language, instead strives to be universally comprehensible itself while simultaneously seeking out communication with other disciplines” (Welker, 2013:245).

<sup>66</sup> Welker cautions against “Simply asserting the relevance of theology and church and then demanding that life at large accommodate itself to religious expectation and standards” as this does not yet produce a genuine public theology (Welker, 2013:245). He argues for “more sophisticated socio-analytical models” if public theology is to be “successfully implemented commensurate with socio-analytical requirements” (2013:247).

<sup>67</sup> These three intentions are well aligned to how public theology has been described by Nico Koopman, a former Director of the Beyers Naude Centre for Public Theology, and Michael Welker through the threefold office of Christ. Public theology investigates the inherent public contents and thrust of Christian faith convictions as prophetic action that seeks justice (prophet); it engages the inherent public rationality and reasonability of theology (priest); and lastly the public implications, impact and significance of Christian faith (royal-servant). Welker’s Christology contributes thoughts on “the public and the eschatological Christ” and uses the threefold office of Christ as an explicitly theological and Christological framework in analyzing societal pluralism. He writes, “What is ultimately decisive for any public theology taking a Christological orientation is whether it is fully in accordance with the eschatological presence and directive of Christ, which in its own turn contains and will reveal the entire wealth of his pre- and post-Easter life” (2013:248). See Koopman, N.N. 2014. Theology and the building of civilizing democracy in South Africa. *Nederduitse Gereformeerde Teologiese Tydskrif*, 55(3&4):625-640; Koopman, N.N. 2009. For God so loved the World...Some Contours for Public Theology in South Africa. Stellenbosch, Inaugural address, March.

as clear contextual contours that introduce the discussions that follow. As introductory remarks, they present some of the choices made in order to set the stage for what follows. The way these have been presented already form part of the methodology of this study, to which we now turn. Most importantly, the interplay between truth, truthfulness and truth-telling is presented as a way of ordering how truth functions and is embodied in the striving towards justice.

### 1.3. Methodology

#### Contouring Truth-Telling

The metaphor of a contour has many dimensions to it. A contour, as a noun, can be understood as a boundary line, indicating the shape or form that something takes on. When contours are drawn, as in a *contour* drawing (from the French translation of ‘outline’), it is an attempt to give two dimensional representations of three-dimensional realities. A contour drawing stresses the mass and volume of a subject. It does not focus on the minor detail or on reproducing an exact depiction of its subject. In art training, it is used especially for those beginning and learning how to create art but can also be a masterful expression of capturing the essence of its subject. In topography – the study of the shape and features of land surfaces – contour lines map out a terrain under study. Contouring, as a verb, is therefore used analogically to describe the methodology of this study that gives account for the landscape of truth-telling within the context of South Africa.

This mapping or contouring is not meant to construct a map for all places or all times. The avowal of truth and the embodiment of justice are recorded and drawn up for those wishing to explore public theological manifestations of truth and justice while being historically and contextually conscious. This map is drawn so that the features can be identified, and the patterns recognized that have relevance, particularly for those interested in the map of the Reformed tradition and the Dutch Reformed Church in South Africa.

A sufficient legend, and contours or relief patterns familiar to those outside of this faith tradition (or even theology) is provided, thereby intending this to be a *public* map. The terrain covered by this map can change and is changing – *reforming*. To this effect, the use of contour in music applies. Considered phonetically and in music, a pitch contour indicates *a transition*. Read as pitch contour, these contours are evidence of change. It is this flux, this change, this



political transition in South Africa, that is respected and taken seriously in taking a contour approach to studying truth-telling.<sup>68</sup>

This possibility, or inevitability, of reform is captured by the notion of *embodiment*. By using theological ethics to clarify the challenges of truth-telling for transitional justice, this study takes *embodiment* seriously. The study pays attention to the possibilities of embodiment; that is, incarnated knowledge, truth, that does not attempt to work with absolutes as in positivism. This is not yet to attempt to resolve or dismiss the tension between particular observable facts or principles and more abstract realities. It is not to view corporeal things as harbingers of immutable truth. It is merely to stress the *telling* of truth-telling. Embodiment is understood to stress the particularity of this telling; conscious of time, place, and manner. These contextual factors contribute dialogically.<sup>69</sup> This means no formulas are followed blindly or even suggested. A dialectic way of arriving at some original finding hopes to end with a semi-colon, or a question mark at most. Where answers *are* given, multiple answers are sought. This is an attempt to avoid reductionism, to resist being overly didactic, and not to settle for abstraction. It pays attention to context, so that the complexity of a relational approach to truth-telling and its accountability can be ensured. This is indeed motivated by the understanding of truth as something that is historically-conditioned, transitory, contingent, and culture-bound.

While some of this study seems to be an ambitious synthesis of different fields of study and expansive concepts such as truth and justice, its findings should be read in the continuous tense, reforming, rather than narrowly (re)formed. It follows a hermeneutical understanding of truth, such as Walhof explains based on his reading of Gadamer, “When it comes to politics, hermeneutic truth is not a possession or viewpoint brought into the political realm, but something disclosed through the risky practice of dialogue, in which we open ourselves to others, especially those unlike us” (2013:114).

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<sup>68</sup> For another perspective on theological cartography, see the work by feminist theologian, Serene Jones: Jones, L.S. 2000. *Feminist Theory and Christian Theology. Cartographies of Grace*. Guides to Theological Inquiry series. Minneapolis, Minnesota: Fortress Press.

<sup>69</sup> Fodor speaks about the “integrity (or truthfulness) of our language before God” as a “function of our resolve to engage in an ongoing form of mutually critical dialogue as part of the community of God’s Spirit”. He continues, “We know the truth, at least in part, in being addressed by and responding to those who strive to live truthfully before God, before one another, and before the world. In short, living truthful lives in Christ calls for a certain form of reciprocity, exchange, and joint accountability” (Fodor, 1995:3). See the chapter “Truth and Truth-Telling: Christian Practice and the Philosophical Tradition” in *Christian Hermeneutics: Paul Ricoeur and the Refiguring of Theology* (Fodor, 1995).



This methodology already highlights the limitations of this study, which are made more apparent by the use of the language of ‘truth’. Employing this language starts with the acceptance that ‘the whole truth’ can never be grasped, arrived at, or captured. Moreover, this pursuit is colored by the partiality of my (our) social location, past experiences, loyalties, values and interests. This is to acknowledge the failings and potentiality of memory and remembering, and the act of telling, performing, and enacting such truth. This is not to succumb to relativism or skepticism. That would be to abandon the inevitable, unavoidable, and consequential pursuit of truth and practice of truth-telling. Truth can be known – or rather embodied – if only in part. Certain goals, mandates, and visions can indeed be achieved through ‘truth-telling’. The following division provides more methodological clarity.

### **Ascribing Truth, Constituting Truthfulness, Embodying Truth-Telling**

Drawing from the philosophical landscape discussed thus far, a hermeneutical lens is used in reading the various source documents in this study. This landscape includes the division made by Bernard Williams between truth and truthfulness – or Accuracy and Sincerity (2002:31). Throughout this study, a porous division is thus made between *ascribing truth* and *constituting truthfulness*, in order to test the theological argument for the *embodiment of truth-telling*. Naming this division between *ascribing truth*, *constituting truthfulness*, and *embodying truth-telling*, is therefore a *descriptive* attempt while also attempting to avoid reductionist over-systematization. The division might seem counter-intuitive, given that this study investigates the *embodiment of truth-telling* as a theological approach to truth to address the problems of dualism or non-integral thinking. Hence this study will have to show evidence that it is the lack of clarification between *ascribing truth* and *constituting truthfulness* when using “truth” in public discourse that is part of the confusion or miscommunication between conflicting truths, and that this indeed prevents *embodied truth-telling*.

Moreover, this methodological choice will have to demonstrate how *embodying truth-telling* is an ethical hermeneutic of avowing truth that contributes to embodying justice. Despite the many possibilities for trying to avoid divisions, it will be shown how the lack of such distinction in both theological as well as official transitional justice documentation of the TRC process is precisely at the center of the challenge that this study seeks to clarify; how can clear, contextual contours of truth, truthfulness, and truth-telling contribute to avowing truth for justice? Does this help address the particular challenges and context of truth-telling, thereby preventing it

from being easily muddled, conceptually obscured, and ultimately poorly grasped? Why is the qualification of *embodiment* relevant or useful when trying to draw contours of truth in its relationship to justice? Can the division of concepts thus help to clarify the problems or challenges that arise when using the language of ‘truth’? How can this division in the contours of truth-telling allow for the relationship between truth-telling and justice to be explored as a question of ethics, while giving account for the epistemic realities and justification in its hermeneutic?<sup>70</sup> What follows is a more explicit account of this proposed division.

To *ascribe truth*, is to answer the question *what is truth?* To ascribe is to attribute the *nature* of the truth that is told to something considered real. When we use the word *truth* we are observing, attributing, and indeed ascribing value, weight and significance to that which we perceive to be real. It is not yet to judge this reality, evaluate it, or subscribe to it. It is only conviction in what truth is. It is only observation. It is only seeing. Ascribing truth is to answer ontological questions and to account for epistemological truth. Theologically, it sees both God’s ‘yes’ and God’s ‘no’ as the metaphysical vision of truth. It can be communicated in a *prophetic* word. To ascribe truth is to decide about sovereignty, authority, and accuracy.

To *constitute truthfulness*, is to answer the question *what is true?* It is to provide an account, a justification, criteria, for the composition of truthfulness. It is judging between true and false. Truthfulness is thus a value judgement. Saying what is true, also implies a decision on what is truth. It is a question of judging epistemology. It weighs, evaluates, measures, or considers a proposed reality or given truth. Constituting is a hermeneutical process. To be truthful can be to acknowledge vulnerability, to be honest or sincere, to succumb to the power of truth, and in a way become powerless by adopting truth’s reality, rather than covering it up with deceit, or shying away from it in fear. However, being truthful can also be a cynical way of telling the truth; harmful and destructive, outside of relationship and care for others or the common good. Truthfulness does not necessarily lead to justice.<sup>71</sup> Constituting truthfulness therefore implies,

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<sup>70</sup> “The fact that the “whole truth” can never be reached in its entirety should not, therefore, be a stumbling block in the much more limited inquiry into questions of truth-telling and falsehood. It *is* possible to go beyond the notion that epistemology is somehow prior to ethics. The two nourish one another, but neither can claim priority. It is equally possible to avoid the fallacies which arise from the confusion of “truth” and “truthfulness,” and to draw distinctions with respect to the adequacy and relevance of the information reaching us” (Bok, 1989:13).

<sup>71</sup> Such truthfulness can be the truth-talk of the “bullshitter” (to use Harry Frankfurt’s terminology) who does not care (and may not know) if what they say corresponds or correlates to some reality or fact. Cf. Frankfurt, H.G. 2005. *On Bullshit*. Princeton: Princeton University Press. In response to Frankfurt’s book, another contribution in

necessarily, a suspicion against the idea of truth (Williams, 2002:7). Theologically, it is to acknowledge, to confess, to confront, to be affected by God's truth. It is the priestly action of counting yourself a part of God's truth about oneself, others, or the world.

The study will have to demonstrate how a theological analysis of truth-telling and transitional justice in South Africa accounts for this division, and that truth-telling can be done while embodying justice. For this, a preliminary interrogation of what it means to *embody truth-telling* is suggested and will have to be tested. My premise is that to *embody truth-telling* is to manifest a form of truth-telling through an ethical choice. It is an act, the verb ἀληθεύω, 'to truth'. This act is an act that is morally accountable, that makes an ethical choice for how you believe. Embodiment and *to embody* is thus deeply connected to how justice is understood. Such a performance of truth-telling commits to not only believing or ascribing a truth in theory, conceptually, abstractly, without context, but rather to suffer or benefit from the consequences of having constituted the truthfulness of such a truth. It is responsible *before* others, and *for* others. It is power-laden, constructive. It has the potential of enacting restitution, reconciliation and recognition. As a performance it is participation in Godself. By making truth happen, one becomes a performer in the dynamic, communal life that transforms and transfigures. As an act, it has the possibility to enact justice. It deals with subjectivity. Theologically, it is the royal office, the work of discipleship and servant leadership. Whereas ascribing truth is to fulfill a prophetic office, and constituting truthfulness is to fulfill a priestly office, embodying truth-telling is Christ's office of royal authority. Is this form of truth-telling how Jesus responds to Pilates questions about his kingship and his authority? Is it in Jesus' belonging, in his *embodiment* of truth-telling, that truth and justice can relate?

Truth-telling therefore presupposes a hermeneutic about what truth is ascribed to, and what constitutes truthfulness, in deciding how to act. Truth-telling is inseparable from truth and truthfulness. Its embodiment thus provides the opportunity to evaluate, question, assess and reassess, reform, resist or reject the truth to which we ascribe and the truthfulness of what is constituted.

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'Bullshit studies' was published, Cf. Hardcastle, G.L. & Reisch, G.A. 2006. *Bullshit and Philosophy: Guaranteed To Get Perfect Results Every Time*. Chicago: Open Court Publishing Company.

The final section of this chapter introduces the research landscape, including research questions and chapter divisions, that this contouring will seek to draw.

### 1.4. Research Landscape

The primary research focus of this study concerns how theological ethics can speak to the challenges of truth-telling in transitional justice contexts. Using inductive reasoning, it will explore how the threefold use of truth, truthfulness and truth-telling can help to contour the complexity and inseparable nature of the various challenges associated with ‘truth’ in transitional justice. The study that follows is an attempt at engaging the following questions by doing theology in a faithful and creative way in the aftermath of apartheid.

Primarily, this study asks: *how can a theological hermeneutic of truth-telling engage the ethical discourse of Reformed public theology within South Africa’s transitional justice context?*

Drawing on the historical-descriptive context in which truth and truthfulness are shown to have lacked strong conceptual clarity, this study will map different discourses on what it could mean to tell the truth for justice - in public, and as a Christian. A conceptual-critical approach will account for these different discourses to further refine the opportunity and challenges raised by this study for the DRC. The sources discussed in chapters two through five also follow the conceptual-critical division between ascribing truth, constituting truthfulness and embodying truth-telling. To answer this research question, the following secondary questions structure this study.

### Chapter Two and Three

*How have truth and truthfulness been enacted in transitional justice in South Africa?*

This historical-descriptive question explores the major contours in ascribing truth and constituting truthfulness for justice in the work of the South African TRC (Chapter Two). The various volumes of the TRC Report are studied, as well as a broad selection of secondary literature from various scholars who have studied the TRC. Michel Foucault’s focus on truth-telling in his historical philosophy of ethics in his Louvain lectures is used to reflect on the challenges of truth-telling presented in the TRC (Chapter Three). The historical philosophy of Foucault on regimes of truth is taken from his Louvain lecture series *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*. Foucault’s work is studied in order to attempt to

capture some of the essential insights into his historical philosophy of ethics related to truth-telling and justice. Following an inductive reflection, it will be considered if and how these lectures deepen the reflection on the challenges of truth-telling presented in the TRC.

## **Chapter Four and Five**

*How have truth and truthfulness been enacted in Reformed public theologies in South Africa?*

This question further contextualizes the research focus by presenting past engagements of public theology broadly, and Reformed theology narrowly, with the demands of truth-telling for an ethics of justice in South Africa (Chapter Four). The majority of texts studied are academic contributions by Reformed theologians from South Africa. Following this analysis, Dietrich Bonhoeffer's theological ethics, a prominent conversation partner in the formation of public theologies in South Africa, are used to reflect on the challenges of truth-telling that present themselves after apartheid (Chapter Five). Dietrich Bonhoeffer's thought on truth-telling is chosen and drawn specifically from his essay, *What Does it Mean to Tell the Truth?*

## **Chapter Six**

*How has a focus on truth-telling contributed to better understanding how truth and truthfulness function in transitional justice?*

The distinction between truth, truthfulness, and truth-telling is questioned as a heuristic method to navigate the contours of the literature on transitional justice in the South African context, and reflections on telling the truth for justice in Foucault and Bonhoeffer. It also raises the question of how conceptual clarity could make a theological enquiry into truth-telling suited to the demands of restorative justice. Chapter Six therefore summarizes the findings of Chapters Two through Five to contour a theological hermeneutic of truth-telling in the context of Reformed public theology in South Africa's transitional justice context. Finally, the study concludes with suggestions for future research by raising the question: *How can avowing truth and embodying justice be done by the Dutch Reformed Church?* The primary research question is thus asked in the context of the DRC. Rather than setting up immovable theological (or other) facts about what truth is, or how words become true, and deductively looking at how people might manage to speak it, this final section probes at what wagering a Christian approach to truth-telling in the DRC could look like. Questions are raised regarding the particularities of race and human sexuality, as two foundational themes within theological anthropology and the ecclesial discourse on human dignity.

## Chapter Two: Enacting Truth? Transitional Justice in South Africa

*A full assessment of the TRC's experiment with justice and truth will have to go beyond its stated objectives and public discourse. It must also include an analysis of the underlying and operative conceptions at work in its actual practices as well as the assumptions and implications of its bureaucratic determinations of truth and justice*

(Du Toit, 2005:441)

### 2.1. Introduction

The South African Truth and Reconciliation Commission (TRC) is the site of the country's transition to democracy; a pinnacle point in the history of struggle for justice and striving for freedom and the protection of human dignity and human rights that promised to move the nation to unity and reconciliation. It was, and is, important for a range of reasons.

It played a vital transitional role in a critical historic period in South Africa. The TRC carried the hope of a 'new' South Africa, but it also had to "deal" and "come to terms" with histories of injustices, as the Chairperson writes in the forward to the TRC Report (TRC Report Vol. 1, 1998:1). With its focus on truth and cathartic truth-telling, it became the treatment for a sick nation in need of healing. The TRC was indeed "focused on the past," rather than on ongoing events. It was a product of wrestling with accountability regarding the past. Accountability meant considering limited amnesty (though complete, in the sense of awarding neither criminal nor civil liability to those it was given) as a way of serving justice. This feature of amnesty in the TRC was linked to the pursuit of truth and is vital for understanding the TRC's vision of justice and for how directive it became in the operations.

Its importance is also recognized internationally. The TRC reached benchmark status as a truth commission that would usher in a new chapter in transitional justice mechanisms. Priscilla B. Hayner, whose work has helped to define the theory of truth commissions and the broader field of transitional justice, includes the South African TRC among "The Five Strongest Truth

Commissions” in her authoritative 2011 publication on transitional justice (2011:27-31).<sup>72</sup> South Africa’s TRC helped to launch constitutional human rights and transitional justice as global discourses. With its unique features, such as its amnesty-for-truth arrangement, individual amnesty, and sector hearings for institutions and social groups, it furthered the practices of transitional justice. It was also the first truth commission to allow victims from both sides of the conflict to testify at the same forum (Krog, 2015:211).<sup>73</sup>

While it was a non-religious, secular, quasi-judicial institution, a number of “ambiguous and liminal” characteristics were exhibited, making it neither a legal, political, nor a religious institution (Wilson, 2001:19). Its focus on truth was more a search for multiple truths, or a “rainbow of truths” (Posel, 2002:154): factual, narrative, social and restorative, as defined by the Report (TRC Report Vol. 1, 1998:111-114). These various definitions were incorporated and displayed differently in the operations of the TRC. The hearings, particularly those of the Human Rights Violations Committee (HRVC) had a highly performative nature, and the public broadcasting of these hearings created the impression they *were* in fact the TRC in its entirety, a deceptively simple observation that can have profound implications in making sense of the entire process of the TRC, and not least its definition of truth (Cole, 2010:xii).

Considering these factors, it is no surprise that the South African TRC is regarded as the most studied truth commission to date; the body of literature on the TRC is extremely vast, and several bibliographies have been compiled in order to map these widespread contributions.<sup>74</sup>

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<sup>72</sup> As Paul Gready attests, “Few would contest the claim that the South African TRC remains the first among equals in the truth commission collective, and one of the key engines for what might be called the era of transitional justice” (Gready, 2011:5).

<sup>73</sup> Krog notes that this is a “major break with established international thinking about victimhood and it remains the TRC achievement that has been the least acknowledged” (Krog, 2013:32).

<sup>74</sup> A Select TRC bibliography has been compiled by Historical Papers (University of Witwatersrand) and South African History Archive (November 2006), *Traces of Truth*, available online at [http://www.saha.org.za/resources/docs/PDF/Projects/trc\\_bib.pdf](http://www.saha.org.za/resources/docs/PDF/Projects/trc_bib.pdf). A TRC research website, set up by the Department of African Languages and Cultures at Ghent University (Belgium), provides publications up until 2006. Available online at <http://cas1.elis.ugent.be/avrug/trc.htm>. Another database, compiled by the University of Wisconsin, containing titles up until 2007 can be found at: <https://sites.google.com/site/transitionaljusticedatabase/>. Cf. Haron, M. 2009. *South Africa's Truth and Reconciliation Commission: an annotated bibliography*. New York: Nova Science, the most recent attempt at a full bibliography. Haron discusses this project in Haron, M. 2013. Towards Compiling an Annotated Bibliography of South Africa’s Truth and Reconciliation Commission: Trials and Tribulations. *Mousaion*, 31(2), 92—114. Annelies Verdoolaege has also included an extensive bibliography in her 2008 publication that provides an



This poses a challenge for an attempt at providing any sort of overview of the secondary sources and literature on the TRC. This study does not attempt at being a comprehensive report on the TRC in its entirety; it is rather focused on its conception of truth and truthfulness in dealing with historic injustice.

This chapter introduces the TRC through its foundation in transitional justice and the theoretical contours for truth and truthfulness taken up in the commission's mandate and in its enactment. Here, the use of *enacting* can be read as *legislating*, as in the case of the legal legislation of the TRC, and as a reference to the act of *ordaining* or *decreeing* in the religious sense. Using 'enacting' further questions how truth was an enactment that acted out truth through a performance. It explores how the official *mandate* of a commission determines and defines the various aspects that constitute truth and truthfulness, such as the power(s), the investigative reach, timeline, subject matter, and general scope of the commission. Can this official mandate dictate not only the truth that will be authored, but also the process and enactment that dictates *how* and *whose* truth will be told, and also (retrospectively) collected and documented? How does this relate to over-simplified attempts at formulations of how truth-telling was understood retrospectively? Moreover, are there changes observable in the underlying and operative conceptions of truth and truthfulness, and also of justice? An observation made by Hayner is taken seriously in researching these questions – some historians and legal experts argue that truth commissions should be seen as historical *events*, rather than historical *sources*, and that attempts at establishing "official truth" need to recognize the limitation inherent to such a project (Hayner, 2011:84).<sup>75</sup> 'Truth' in truth commissions can be highly contextual and ambiguous (Shore, 2009:77). Truth commissions, and thereby their understanding of truth, truthfulness and truth-telling, draw influence from legal understandings of truth and from liberal principles of justice; influence through international bodies such as the United Nations stand central. However, were the additional (and perhaps greater) influences in the case of South Africa, such as Christianity and African philosophy amongst others, not the key influences?

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impressive database of TRC publications, see Verdoolaege, A. 2008. *Reconciliation Discourse: The case of the Truth and Reconciliation Commission*. Amsterdam: John Benjamins Publishing Company.

<sup>75</sup> This is how Hayner chooses to answer, 'What is the Truth?': "Regardless of the specificity of their terms of reference, all truth commissions have to make many decisions about what will be recorded, investigated, and what they will ultimately report" (Hayner, 2011:75). This study is therefore an attempt at contouring these decisions by giving sufficient historical framing.

While there is much to be said in offering an impact assessment or evaluation of the success of TRC in achieving its complex mandate – a format that much of the research on the TRC is modelled after – the intent of this study is rather to refine the contextual theological questions and perspectives related to the embodiment of truth-telling within this context.<sup>76</sup> This purpose is nonetheless served by taking seriously both the *historical development* and the mandates of the TRC. Evaluations and criticisms help to highlight the choices made in these developments. Though they provide some reasons for these developments, they do not always make the causes of the mandates clear. These mandates of law and morality embedded in the TRC cannot automatically be assumed to be congruent with theological contours of justice. Conceptual clarification of the keywords in the mandate – truth, justice, and reconciliation – in this chapter will thus aim to serve the abovementioned intent by being brought into systematic comparison with the theological perspectives in the following chapters.

This chapter therefore addresses the research question: *how have truth and truthfulness been enacted in transitional justice in South Africa?* A detailed map of the enactment of the TRC thus follows which will attempt to aptly set this stage.

Firstly, the use of the concepts truth and justice are clarified in relation to transitional justice theory, including the contours of truth commissions, and the South African case in particular. The details of the political developments leading to an amnesty-for-truth arrangement, the broader political project of reconciliation, and the issue of the moral foundations of the political transition are covered. This section finally looks to the TRC Report's contours in its fourfold conceptualization of truth. This is covered by the section on *ascribing truth* (2.2).

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<sup>76</sup> The question of the standard or measure by which the TRC should be evaluated remains compelling. Some theory has been suggested by Hayner, but only recently have benchmarks been put in place by bodies such as Amnesty International (2007) and the United Nations (2006) in terms of constructing a truth commission (Gready, 2011:2). A noteworthy evaluative project on the impact of the TRC was conducted over eight years - a joint effort by the Science and Human Rights Program of the American Association for the Advancement of Science (AAAS) and the Centre for the Study of Violence and Reconciliation (CSV) (Chapman & Van der Merwe, 2008: vii). The measurement of impacts and of what constitutes success remain issues without consensus. However, moving beyond evaluative assessments of the TRC means that other dimensions of analysis can be attempted. Cole observes: "If we step outside of the Truth and Reconciliation's logic – if we move beyond asking utilitarian and operational questions about efficacy – and instead look at the commission as a multifaceted oral history and archival project that put into record via testimony information that previously had been excluded, censored, and repressed in apartheid South Africa, we will find many, many stories and insights that have yet to be analyzed by scholars" (2010:xvii).

Secondly, locating truthfulness in this context is explained through an understanding of the major constituting factors in the practical operations. How the TRC's contours were constituted by issues of time, power relations, political leadership, categorizing of affected people, committee structures, reporting and finally, religion, all contributed to its measurement of being truthful. This is covered by the section on *constituting truthfulness* (2.3). Lastly, two issues are proposed regarding how the TRC could be viewed as *embodying truth-telling* for justice (2.4).

## 2.2. Ascribing Truth for Justice: A Commission for Truth and Reconciliation

*Truth is a dangerous word, often used loosely if not metaphorically*

(Du Toit, 2000:132)

### Introduction

A historical-descriptive approach is taken in this chapter to engage with the theoretical underpinning and mechanisms of truth and truthfulness in transitional justice, with a special focus on the South African context. The contours of the challenges posed for avowing truth and embodying justice are drawn. The focus of this chapter is to locate and contextualize an understanding of how avowing truth and embodying justice were linked to one another in the context of South Africa's political transition. To do this, not only the tensions in conceptualizing truth need to be highlighted, but also the tensions in how justice functioned. Therefore, the parameters of transitional justice need to be drawn.

The chapter will consider how the official mandate(s) of a truth commission dictate the *content* and the *form* of truth-telling that will be elicited, sanctioned, and documented. This is a central argument that will be tested in this chapter, underscoring the importance of firstly understanding the TRC's official mandate, while also paying particular attention to the 'unofficial' mandates and expectations carried in by those participating.<sup>77</sup> These are different

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<sup>77</sup> In addition to its official mandate, the TRC also carried 'unofficial' mandates; the formation history of the TRC and its influences is not only a legal or even political history as some would choose to frame it, but one that needs to draw on the narratives of the broader civil society. This includes the significant public contributions of the Christian community in South Africa, as key contributors to public life in this period. It has been mentioned that the TRC was a non-religious, secular, quasi-judicial institution. This did not preclude it from being influenced in

contours that will contribute to a conceptual analysis of keywords such as truth, justice and reconciliation that were officially mandated but also performed by unofficial scripts.<sup>78</sup>

Perspectives on the historical context behind the enabling legislation, including the political negotiations and the civil society activity that influenced it, can help to account for how truth was ascribed, how truthfulness was constituted and how truth-telling was embodied. This context is used in service of trying to discern contextual theological perspectives. This does not imply an attempt at an original analysis of the TRC's origins, or to recalculate political decisions. I will rather demonstrate through the political action that formed the mandate, and through some of the important contributions to public discourse on truth, justice and reconciliation, including moral considerations, how insight can be gained not only on why the TRC was formed, but perhaps some of the reasons behind the way it was formed, and therefore why it ascribed truth and truth-telling in the way that it did. A thorough contextual interpretation of these keywords is beyond the scope of this study, and therefore only selected contributions to the public discourse are drawn on broadly.<sup>79</sup> Such a bird's eye view serves as a useful starting point for making sense of the TRC, specifically as it speaks to an interest of this study: an accountable historical-descriptive engagement with truth-telling. More background is given to transitional justice and these origins.

The South African TRC exercised its mandate through transitional justice measures, which meant a choice for elements of restorative justice as both a moral approach to justice, but also formative for its choice of legal practices. At the center of its approach to justice, framed by political powers, was its amnesty process. By placing the TRC within the theoretical contours of transitional justice some clarification is brought to what this approach to justice meant in practice for how truth was ascribed.

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both its official mandate and in its enactment (the 'unofficial' mandate carried in by those participating in its functioning) by theological forces. This theological contribution to public discourse on overcoming apartheid will remain central to this study.

<sup>78</sup> Gready supports this point in stating that the "conceptual insights were post-hoc rationalizations for a politically informed mandate" (2011:2), and therefore this mandate is firstly described, and this position of retrospective definitions (particularly on 'truth') offered by the TRC Report are discussed in the subsequent sections.

<sup>79</sup> For a thorough study on the concept of reconciliation, see Solomons, D. J. 2018. *Reconciliation as Controversial Symbol: An analysis of a theological discourse between 1968 – 2010*. Unpublished doctoral dissertation. Amsterdam: Vrije University Amsterdam. Cf. Conradie, E. M. 2013. *Reconciliation as one guiding vision for South Africa? Conceptual analysis and theological reflection*, in E. M. Conradie. (ed.). *Reconciliation, a guiding vision for South Africa?* Stellenbosch: Sun Press. 13 - 76.

## Transitional Justice

While definitions of transitional justice vary, a widely held view is that transitional justice is an attempt to deal with past violence in societies undergoing or attempting some form of political transition. In the global struggle to address legacies of past human rights violations, transitional justice has emerged as a contested field, with definitions remaining broad and quite inclusive. While it self-evidently deals with political transition, explanations of its focus on justice can be more cloaked in the development and use of the term ‘transitional justice’. The field of transitional justice does not imply or enforce a unique form of justice, but justice “adapted to societies transforming themselves after a period of pervasive human rights abuse” (What is Transitional Justice, 2009).<sup>80</sup> A key goal of transitional justice in its mandate for justice and reconciliation is to strengthen democracy and peace. Comparative approaches between societies pursuing this goal have been useful and has led to securing transitional justice in international law, as seen through the United Nations Human Rights Committee and creation of the International Criminal Court (ICC).<sup>81</sup> It is clear that while each society maintains autonomy in choosing which measures to use in dealing with a past marked by large-scale human rights abuse, all transitional justice approaches are based on a fundamental belief in universal human rights (What is Transitional Justice, 2009). The instrumentalization of transitional justice interventions in political action is of particular importance for ongoing research.

Transitional justice can also be understood within the wider “age of peacebuilding” (Philpott, 2012:10), beginning with the late twentieth century period of democratization of nation states, settlement of civil wars, international conflicts, and international interventions. The United Nations Security Council, in an attempt to formulate a common understanding of key concepts related to its focus on justice, articulates transitional justice as: “The full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation”

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<sup>80</sup> The International Centre for Transitional Justice (ICTJ) has been credited as the first major actor in shaping the professionalization of transitional justice as a movement (Rowan, 2017:8). See chapter two, “Building a Transnational Movement” in Rowan, J. 2017. *Searching for Truth in the Transitional Justice Movement*. Cambridge: Cambridge University Press. Cf. Buckley-Zistel, S. & Beck, T.K. & Braun, C. & Mieth, F. (eds.). 2013. *Transitional Justice Theories*. London: Routledge.

<sup>81</sup> See the chapter titled “Truth Commissions and the International Criminal Court” in Hayner (2011).

(2004:8).<sup>82</sup> The work of achieving this justice and reconciliation can be separated from other efforts geared towards making and building peace, precisely in its focus on societies in transition. Despite this, some of the work related to the justice and reconciliation mandate of transitional justice is included under various keywords such as Peace Studies, Peacekeeping, Conflict Resolution, Conflict Transformation, Diplomacy, or International Relations, to name a few.<sup>83</sup> Scholars and practitioners that are conventionally included within the scope of transitional justice conduct their work from different vantage points and therefore one needs to take into account the various terms and the diversity in language employed in their reflections, while acknowledging the nuances that these descriptions illuminate. This is particularly true in the context of religion and transitional justice.<sup>84</sup> The different stages in the life cycle of a conflict have also given way to distinct vocabulary.<sup>85</sup>

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<sup>82</sup> Some would argue that the focus should include all human rights, thus not only civil and political rights, but economic, social and cultural rights too. Some other definitions that have been offered define transitional justice as the “set of practices, mechanisms and concerns that arise following a period of conflict, civil strife or repression, and that are aimed directly at confronting and dealing with past violations of human rights and humanitarian law” (Roht-Arriaza, 2006:2); or as “the sum total of activities through which states and citizens redress past political injustices—deeds that are no longer occurring but whose wounds may still be fresh, as if they had happened yesterday—in order to restore political order in the present and for the future” (Philpott, 2007a:94). The International Centre for Transitional Justice offers the following definition: “Transitional justice refers to the ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response.” (What is Transitional Justice, 2009).

<sup>83</sup> Megan Shore, who investigates the “ambiguous role” that Christianity played in South Africa’s Truth and Reconciliation Commission, uses the term ‘religious conflict resolution’ - a term she states is provisional for a general approach to resolving conflict with the assistance of religion, whilst a well-established religious conflict resolution theory does not yet exist. ‘Religious conflict resolution’ attempts to be inclusive of the different “levels” “approaches” and “stages” of conflict, and accounts for “multi-track diplomacy”, which goes further than “the statist emphasis on diplomacy” by including NGO’s, religious actors and so-called ‘soft power’ actors (Shore, 2009:21,22). The concept of “multi-track diplomacy” has been introduced into these efforts of ‘conflict transformation’ and ‘peacebuilding’ by John McDonald and Louise Diamond, who also founded the Institute for Multi-Track Diplomacy (IMTD) in the 1990’s. See <https://www.imtd.org/>.

<sup>84</sup> Megan Shore highlights some of the related terminology and the corresponding literature: ‘religious peacebuilding’ (Sampson, C. 1997. Religion and Peacebuilding, in Zartman, I.W & Rasmussen, J.L. (eds.). *Peacemaking in International Conflict: Methods and Techniques*. Washington DC: United States Institute of Peace Press); ‘religious peacemaking’ (Johnston, D. & Sampson, C. (eds.) 1994. *Religion, The Missing Dimension of Statecraft*. Oxford: Oxford University Press); ‘religious conflict resolution’ (Gopin, M. 2000. *Between Eden and Armageddon: The Future of World Religions, Violence, and Peacebuilding*. Oxford: Oxford University Press); ‘religious conflict transformation’ (Appleby, R.S. 2000. *The Ambivalence of the Sacred: Religion, Violence and Reconciliation*. Lanham, MD: Rowman & Littlefield.); ‘faith-based diplomacy’ (Johnston, D. (ed.) 2003. *Faith-Based Diplomacy. Trumping Realpolitik*. Oxford: Oxford University Press) (Shore, 2009:20).

<sup>85</sup> According to Shore, one source that has been used for defining these stages in the context of the international work of the United Nations is that of former Secretary-General of the United Nations, Boutros Boutros-Ghali. 1992. *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping*. New York City: United



One example of how transitional justice mechanisms such as a truth commission can be studied without referring to ‘transitional justice’ is the work of Megan Shore, who has studied the place of Christianity in the TRC by drawing on the historical development of ‘conflict resolution theory’ to locate the TRC, specifically through *political realism* and *secular political philosophy*.<sup>86</sup>

Gready argues for a holistic understanding of transitional justice that would encompass, generally, the need to opt for complementarity (rather than substitution where one approach is chosen over against another) and the strengthening of keyword conceptualization. Questions of “timing, prioritization, sequencing and interrelationships” remain questions in this embrace of holism; “Transitional justice is the art of imperfect solutions and difficult choices, in the context of competition for finite resources and delicate political dynamics. While we now know more about what should be done, we still know relatively little about how these objectives might be achieved” (Gready, 2011:6,7). In constructing his “ethic of political reconciliation”, Philpott also posits that “Holism is a central theme” (2012:4); “What is needed is a framework for justice that considers the past as a whole, integrating all of the important facets of justice while attending to the particularities of each” (2012:3). Hayner notes that as truth commissions were developing in the early 1990’s, the human rights community expressed concern that they would damage or weaken criminal justice. The contrary has been proven in cases where prosecutions have been advanced and there is no longer the general perception of a necessary “trade-off” between truth and justice amongst these human rights lobbyists. Documents and policy statements by bodies such as the United Nations “echo the complementary nature of non-judicial and prosecutorial approaches” (Hayner, 2011:91,92). This does not take away

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Nations. However, since this distinction, there has been much development in the broader field of peace studies and conflict resolution. It suffices to underline the observation that there are different ‘stages’, and that transitional justice fits into a particular focus on past events, as will be explained.

<sup>86</sup> She traces the historical political and legal development of political realism as far back as the Treaty of Westphalia in 1648. These two major trends are used by Shore to define the focus that has dominated international conflict resolution, in order to demonstrate that public ‘religious’ approaches to peace have historically not been supported. She sees ‘religious conflict resolution’ as an alternative to conventional theories of international conflict resolution. She has been influenced by scholars working with the intersection between religion and conflict resolution, primarily the work of Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence and Reconciliation* (2000). She quotes Appleby, who has argued for the Janus-faced view of religion as a source of both conflict and peace, to demonstrate the challenge she addresses in her work: “Scholars have yet produced a critical mass of case studies and nuanced comparatives that might provide a reliable basis for a comprehensive typology of religious conflict transformation” (2009: xii, xiii).



from the reality that in practice, there have been serious criticisms of transitional justice measures that have failed to achieve “justice”; these criticisms in the case of South Africa - particularly as they relate to how amnesty was granted - will be raised in this study.<sup>87</sup>

Rowan argues that it is precisely because of its “malleability” that transitional justice has such utility. This includes various ways of bridging political and social divides and its “ambiguity” with regard to the value of prosecutions to redress mass violence (Rowan, 2017:4). This means that “transitional justice serves as a placeholder for actors to articulate their goals and strategies and to make claims against one another” (Rowan, 2017:4). He notes how this malleability can therefore also be problematic, especially when competing truths are upheld.

In following a distinction of transitional justice from related keywords and its particular history and professionalization, particular emphasis can be put on transitional justice mechanisms and processes, and their underlying understandings of justice and reconciliation. It is not only the diversity in mechanisms and processes that is worth noting, but also the nuances of how these mechanisms are performed, as will be shown. These mechanisms and processes can include some or all of the following: “criminal prosecutions, truth-telling, reparations, and institutional reform as core interventions; but also commemorative practices, educational reform, reconciliation initiatives, and more” (Gready, 2011:6). The United Nations also recognizes that both judicial and non-judicial processes and mechanisms are necessary. One can distinguish between five main processes, as listed by the United Nations: Truth-seeking; prosecution initiatives; reparations; institutional reform; and national consultations (What is Transitional Justice, 2009).<sup>88</sup> Perhaps the central mechanism that has developed within this field towards the end of the 20th century and which continues to expand in the 21st century is what is referred to commonly as a truth commission.

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<sup>87</sup> Alex Boraine echoes this sentiment when he writes, “...transitional justice is not a contradiction of criminal justice, but rather a deeper, richer and broader vision of justice which seeks to confront perpetrators, address the needs of victims, and start a process of reconciliation and transformation toward a more just and humane society” (Boraine, 2004:67).

<sup>88</sup> An expanding list of initiatives taken by governments includes criminal prosecutions, truth commissions, reparations programs, gender justice, security system reform, and memorialization efforts. Creative approaches to dealing with past abuses continue to develop in this field. Experience in the field also shows that a unique combination of initiatives is necessary in each context and that a holistic approach is necessary to deal with the many practical difficulties of a transitional society (What is Transitional Justice, 2009).

Transitional justice can rightly be viewed as an interdisciplinary endeavor.<sup>89</sup> Analyses of past conflicts are attempted by legal scholars, political scientists, sociologists, anthropologists, historians, theologians, journalists and others (Philpott, 2007:1). Thus, it can be said that transitional justice is recognized as a multidisciplinary field, which is seen not least in the fact that South Africa's Truth and Reconciliation Commission has been studied and evaluated from an array of academic disciplines, including law, sociology, political science, moral philosophy, art, psychology, anthropology, history, development studies, international relations, criminology, theology and others. Lars Buur notes that, "A good starting point would be to recognize that truth commission work involves contradictory epistemologies, which cannot easily be reconciled" (Buur, 2002:86). As such, studying the work and context of truth commission will have to be open to different academic disciplines. Research into the TRC has crossed disciplinary boundaries with the aim of understanding it from different perspectives, and each contribution has contributed toward the production of knowledge in the field of 'transitional justice' in particular, and South Africa's transformation in general (Haron, 2013:96). However, some choose to define transitional justice only as a legal enterprise and would therefore refrain from using the term 'field' to describe transitional justice.<sup>90</sup> Rowen expresses it as an "idea – meaning a thought, a plan or a suggestion" rather than a field, discipline or theory (2017:3). Transitional justice remains open to contributions from different disciplines.

Gready argues that transitional justice has developed into an 'industry' and substantiates this by listing the institutions and their recent activities that are working in this context, citing this development as both "a compliment and a warning" (2011:5). These institutions include a combination of non-governmental organizations (NGOs), intergovernmental agencies such as the United Nations (UN), as well as bilateral donors and academic centers who work with local and regional partners.<sup>91</sup> Gready raises an important question when he considers "whether

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<sup>89</sup> The lines that are conventionally drawn between the different disciplines that deal with transitional justice contexts become more porous under closer investigation, which necessitates qualification of academic schools of thought and intellectual traditions. This interdisciplinary focus is honored in the forthcoming reflections, while also being contextually sensitive to include South African voices.

<sup>90</sup> See Bell, C. 2009. Transitional Justice, Interdisciplinarity and the State of the "Field" or "Non-Field", *International Journal of Transitional Justice*, 3(1):5-27.

<sup>91</sup> The 'industry' is disproportionately supported by institutions in North America and 'the West' in general. Several of the prominent bodies in the United States that also work internationally include the International Centre for Transitional Justice (ICTJ), the Human Rights Center at the University of California, Berkeley, the United

transitional justice is now led by an epistemic community (an international knowledge-based, elite professional and donor network) rather than locally rooted victim-survivor or social movements?” (2011:5).<sup>92</sup> Such an ‘industry’ can indeed have power over the “repertoire of options imagined and on donor purse strings” (2011:6). Posel also notes the implications of the international Human Rights movement on the ethical framework of transitional justice mechanisms: “In a classically modernist vein, truth has reemerged as the basis of virtue, formulated in the name of that which we all share, our common humanity, as the basis for the ascription of universal human rights” (2008:126).

A work frequently cited with introducing the term ‘transitional justice’ is the 1995 series of publications *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, edited by N.J. Kritz (with a forward by Nelson Mandela) (Kritz, 1995). While it has developed primarily within the field of law as a legal enterprise that began as a response by human rights law to secure accountability for past crimes, it clearly includes drivers and actors from outside of the legal profession. The United Nations’ attempt to set the “normative foundation” of transitional justice by keeping to the pillars of the modern international legal system (international human rights law; international humanitarian law; international criminal law; and international refugee law) including the human rights and criminal justice standards developed in the last half-century, insure a legitimacy safeguarded from “individual interests or experience of donors and assistance providers” (2004:5). The effect of this ‘liberal peace’ approach taken by the United Nations, the World Bank, Western governments, and human rights activists on religious approaches remains important. Shore contends that “...transitional justice mechanisms tend to operate with a modern public-private distinction, which in effect de-politicizes claims made through religious language” (Shore, 2009:105). The translation of

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States Institute of Peace (USIP) and the American Association for the Advancement of Science (AAAS). According to the Kroc Institute for International Peace Studies about 400 colleges and universities around the world offer peace studies programs of one kind or another (Kroc Institute 2015). While the field of peace studies has a substantial body of academic literature, new developments in transitional justice can be seen, such as *The International Journal of Transitional Justice* launched in 2007, see <https://ijtj.oxfordjournals.org/>.

<sup>92</sup> Scholars of transitional justice have made efforts to let the perspective “from below” speak through empirical research. This was evident in a presentation by Stephan Parmentier (KU Leuven) titled *Transitional Justice from Below: Developing New Epistemologies About International Crimes* at a conference held in the Peace Palace, The Hague on 10 December 2015: *Understanding the Age of Transitional Justice*.

religious language, and of transitional justice linguistics, remains vital as religious figures and institutions remain important drivers in contexts of transitional justice.<sup>93</sup>

Transitional justice also has to take seriously how it speaks to globalization insofar as truth commissions and transitional justice have characterized not only political globalization, but have been interwoven with other strands of globalization. Gready questions whether transitional justice has become “the conscience of transitional globalization without troubling its essential characteristics,” and thereby not critiquing the fault-lines within globalization (Gready, 2011:7).<sup>94</sup>

This brief introduction to the movement of transitional justice demonstrates that work in the field of transitional justice is still an exercise in painting with broad brushstrokes, especially when it comes to the role and relevance of religion. Having drawn on the historical development, the functioning, and the global reach and influence of transitional justice, some more remarks on truth commissions can be made, before returning to the detail of the South African case.

### **Ascribing Truth Through a Commission**

In order to show the uniqueness of the South African context and how its truth commission chose to ascribe truth, some definitional background is given on truth commissions and briefly viewed through the South African case.

Hayner provides perhaps the most comprehensive description of a truth commission by way of a definition (revised from her oft quoted formulation).<sup>95</sup> Herein she adds to earlier formulations

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<sup>93</sup> For more on the history of the relationship between religion and the United Nations see: Marshall, K. 2013 *Global Institutions of Religion: Ancient Movers, Modern Shakers*. London: Routledge.

<sup>94</sup> “By focusing on political violence, civil-political rights abuses and the past to a greater extent than criminal or social violence, socio-economic rights and the present, the transitional justice tool-kit does little to challenge, for example, the impacts of neo-liberal economics and/or rising levels of violent crime and punitive responses to such crime. Limits are placed on structural change in new democracies, and within these limits the danger is that the marginalized are re-marginalized” (Gready, 2011:7,8).

<sup>95</sup> This is a revision of her 2001 publication, *Unspeakable Truths; Confronting State Terror and Atrocity: How Truth Commissions Around the World Are Challenging the Past and Shaping the Future*. Her definitions are widely referenced. Cf. Hayner, P.C. 1994. Fifteen Truth Commissions - 1974 to 1994: A Comparative Study. *Human Rights Quarterly* (16). Hayner was a co-founder of the International Centre for Transitional Justice and has assisted truth commissions in well over a dozen countries.

the intention of a truth commission to address the past in a manner that respects and honors those who were affected by the abuses. A truth commission is:

(1) focused on the past, rather than ongoing events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review (2011:11,12).

She acknowledges suggestions for an even greater set of qualifiers proposed by legal and other scholars, while dismissing these particularities by distinguishing between descriptive and definitional points. Truth commissions offer a “third way,” to quote the TRC Chairperson, between historic options of blanket amnesty or national amnesia on the one hand, and criminal trials such as the Nuremberg trials on the other (Tutu, 1999:30).<sup>96</sup> Truth commissions create spaces to achieve the above mentioned aims that cannot be provided comprehensively through other legal or justice measures.<sup>97</sup> This space carries multiple mandates, as will be demonstrated, and has to be navigated around the “fault-line between the possible and the ideal, politics and human rights, between their own soft power and the hard(er) power of the state, and between their twin tasks of documenting the past and transforming the future” (Gready, 2011:4).

Truth commissions have become a central part of the field of transitional justice, as Chapman and van der Merwe indicate: “Instituting a truth commission now serves as the official symbol of a political transition” (2008:1). Between forty and ninety truth commissions have taken place across the globe, depending on how one defines this quasi-judicial instrument (Rowan, 2017:2). It was the Latin American Truth Commissions that informed the South African TRC, and indeed helped shape its adaptation of this model. Truth commissions have become the “emblematic intervention” of the “creature of compromise” that is transitional justice, according to Gready (2011:1).

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<sup>96</sup> See the chapter *Truth and Reconciliation Commissions: The Third Option* in Brannigan, A. 2013. *Beyond the Banality of Evil: Criminology and Genocide*. Oxford: Oxford University Press. 174-200.

<sup>97</sup> Hayner notes that despite the special intention of truth commissions of affecting the social understanding and acceptance of the country’s past (not just to resolve specific facts and its future-orientated intention of changing policies, practices, and relationships) she argues that promoting reconciliation should not be a definitional element (2011:11).

Truth Commissions aim to serve the two broad categories of “truth recovery” and “punitive justice” that institutions face in countries following a transition (Gready, 2011:1). They address both the moral and the political needs within a historical context. As “historical founding projects”, they are bodies that are set up to investigate and report on a pattern of past human rights abuses (Du Toit, 2000:124). Truth commissions typically give priority to these abuses rather than systemic injustices, as will be demonstrated in the TRC’s limited definition of “gross human rights violations”. Du Toit notes how this happened in the case of South Africa, thereby diagnosing the primary moral need as dealing with perpetrators and victims, rather than beneficiaries and bystanders or collaborators (2005:438). This focus on individual truth and justice, where victims were provided the institutional space for their own truth-telling and amnesty was offered to individual perpetrators, meant that social or distributive justice was treated as secondary. The vision of justice in the truth commission will receive further attention in this chapter.

It is not the intention of this study to offer suggestions or to critique the validity of this (or other) definitions of what a truth commission is, or should be, but rather to look to the field of transitional justice’s own understanding of its endeavor to construct knowledge and praxis regarding truth commissions. As Hayner notes, some so-called “truth commissions” have operated on the fringes or outside of this definition; contributions that should not be ignored in this endeavor as a result of rigid definitions. Political, economic and moral compromises are inherent in transitional contexts, and will therefore challenge clear-cut definitions (Gready, 2011:4).<sup>98</sup> The following section gives further account of how South Africa’s TRC came about through political action.

## **TRC Origins**

Interpreting the origins of the TRC needs to start with the observation that there is no broadly acknowledged authoritative work of historiography covering the details of the development of both political and civil society action that led to the formation of the TRC.<sup>99</sup> Despite the vast

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<sup>98</sup> By taking such an observer's approach to truth commissions, it is possible to speak to the opportunities for deeper engagement with such endeavors through an interdisciplinary approach and particularly from the field of Christian theology.

<sup>99</sup> Vosloo cautions that “good historiography requires at least some chronological – and perhaps also emotional – distance” and it could be said that the TRC is still too close for the work of historiography. However, he continues

volumes of literature on the TRC and the efforts of an official account of the TRC told by the Report, such analysis arguably remains incomplete. Specifically, the *political* negotiations preceding the TRC remain somewhat buried. It has been argued that a history on secret amnesty negotiations and pacts and how they “subsequently came to be linked with civil society-based proposals for a victim-oriented truth process,” remains to be written (Du Toit, 2014:403). Although the TRC was not a “direct product” of the political negotiating process that led to a new democratic dispensation, it was deeply influenced by it, particularly through the post-amble of the Interim Constitution that made provision for a limited form of amnesty (Boraine, 2000:7). These political negotiations that would give rise to the TRC and its work has a history that Du Toit believes is marked by secrecy and elitism, especially in the negotiation on amnesty (2014:395). He believes the political negotiations were characterized by a paradox; the goal was more inclusive political participation, yet the process was exclusive and elite. Du Toit contends that this was most evident in dealing with amnesty: “On no issue did these contradictory requirements, that is, of the need for closely guarded secrecy as well as pressures for disclosure, apply more acutely than with regard to amnesty” (2014:396). While the ideals of national unity and reconciliation were weighing in on these negotiations, the issue of amnesty was perhaps the most influential ingredient to the recipe being written for a political transition. During these negotiations toward an Interim Constitution in 1993, the granting of amnesty was “the most contentious issue” (Hayner, 2011:27).

How did the TRC’s choices for justice in the form of amnesty, truth-telling and reparations come to be executed in the form and structure it did in a truth commission? The period ranging from 1990 to the dawn of democracy with the first democratic elections in South Africa was marked by cries for justice, especially as the end of apartheid became more of a probability.<sup>100</sup> The national conversation at the time of transition to democracy could be described as “hesitant” and “constrained”, in a time that was “volatile and dangerous” (Villa-Vicencio, 2009:99). There was increased pressure from the international community that called for an end to the apartheid regime, including economic and academic sanctions and initiatives such as the World Council of Churches (WCC) Programme to Combat Racism. Strategies for

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to highlight the value of participation and formation of memories from experience that can contribute to responsible historiography (Vosloo, 2013:17).

<sup>100</sup> 1990 is a significant marker, as there was a shift in the nature of political order. The unbanning of major anti-apartheid organizations (African National Congress, Pan Africanist Congress, South African Communist Party) and the release of Nelson Mandela and other political prisoners signaled the start of ‘talks about talks’ between the ANC and the National Party government.



accountability and justice in South Africa not only had to expose the truth of the past, but had to do so while holding the tension between political peace and moral justice. The end of the Cold War also accelerated the dismantling of apartheid policies. Interestingly, while the human rights discourse was developing in the direction of punitive justice with the creation of the International Criminal Court (ICC) and prosecutions in former Yugoslavia and Rwanda by the UN war crimes tribunals, South Africa seemed to be moving in the opposite direction with a focus on restorative justice and forgiveness for human rights offenders. Transitional justice measures and truth commissions in general were still in the early stages of development, but both Eastern European and South American contexts provided international justice perspectives.

Boraine highlights a few of these measures that had to be grappled with: a negotiated settlement as opposed to a revolutionary process; dealing with legacies of oppression and serious violations of human rights; the shift from totalitarianism to a form of democracy; a commitment to the attainment of a culture of human rights and a respect for the rule of law; and a determination to make it impossible for the gross violations of human rights of the past to happen again (Boraine, 2000b:142).<sup>101</sup> The commissions of Chile and Argentina were particularly influential for South Africa's TRC.<sup>102</sup> The period leading up to the TRC from 1990 would still be one of the most violent chapters in South Africa's history. How was it possible that a decade later, Boraine would write: "Many people, both within South Africa, and beyond its borders, have described this transition as nothing short of a miracle" (Boraine, 2000b:142)? How did the "negotiated revolution" take place (Maluleke, 2001:194)?

Before the advent of the TRC, the African National Congress (ANC) was familiar with the institution of a commission. In order to deal with accusations of violations in its camps while

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<sup>101</sup> Stating that the TRC had to "come to terms" and "deal" with the past, did not mean that its focus was just backward looking (TRC Report Vol. 1, 1998:1). It was precisely because it wanted to develop a human rights culture and respect for the rule of law in the present, and for the future, that it was established. This required piecing together the events of the past in such a way that would serve justice, but justice tempered with reconciliation. Verily, the hinge between this focus on the past, and how it could speak to the contemporary challenges and future goals, was the notion of truth. "In attempting to build for the future there is an irreducible minimum, and that is a commitment to truth" (Boraine, 2000b:151).

<sup>102</sup> There have been criticisms about drawing on these contexts. Mamdani believes that the analogy with these countries did not allow for the colonial nature of the South African context to be addressed: "(T)he link between conquest and dispossession, between racialized power and racialized privilege, between perpetrator and beneficiary" (Mamdani, 2001:59).

in exile, it investigated these accounts through a commission of inquiry.<sup>103</sup> This may have helped to give rise to the institution of a broader investigation into the larger context of the South African state and its violations over many decades. Sachs recalls a “passionate, sharp, uncomfortable” meeting of the National Executive Committee of the African National Congress in August 1993 that had to respond to the report of a commission of enquiry. It was here that the different options in dealing with the injustices of the past were weighted against one another. At this meeting Kader Asmal proposed a Truth Commission as a solution of dealing with human rights abuses across the board, not merely by the ANC. The political decision was then made that the ANC would set up a Truth Commission if they came to power (Sachs, 2009:69). It was also Asmal who stimulated discussion in support of a South African commission through his suggestions in an inaugural lecture in May 1992 as Chair of Human Rights at the University of the Western Cape, titled “Victims, Survivors and Citizens – Human Rights, Reparations and Reconciliation” (Boraine, 2000b:144).

Doxtader and Du Toit contend that the process that led up to the writing of the post-amble in 1993 was dictated by the political interests of the ANC and the NP: “[The post-amble] is viewed as an embodiment of the tension between South Africa’s past and future, an enactment of the logic that underwrote a radical political change, and a referent for nation-building. It is also a source of dissatisfaction, particularly for those that believe it was the product of a back-room bilateralism that worked to the detriment of all but the two largest negotiating parties” (Doxtader, 2003:139).<sup>104</sup> There was indeed a master narrative of future *nation-building* that influenced the political sense of what reconciliation would mean in the transition to democracy (Du Toit, 2005:440).<sup>105</sup> However, the fact that The Act, which was based on the post-amble,

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<sup>103</sup> These included the Stuart, the Skweyiya, and the Motsuenyane Commissions (Boraine, 2000:11). André du Toit expands on the history of truth commissions: “Commissions of inquiry have a long and ambiguous history as official instruments for ascertaining ‘the truth’ regarding unauthorized excesses and unlawful killings by state agents. ... these commissions of inquiry served to maintain the appearance of an authoritative investigation of the specific events, causes and circumstances - and in that sense determine ‘the truth’ - regarding the state security measures employed to counter some popular insurgency or security threat” (Du Toit, 2014:398).

<sup>104</sup> Commissioner Wynand Malan writes in his minority position report as part of the official report that “The postamble is in a sense eschatological in its essence. It posits the unity which is to be achieved, nurtured and promoted amidst all the different views and understandings” (TRC Report, Vol.5, 1998:439).

<sup>105</sup> Wilson believes that the human rights discourse was compromised as it was “dragooned by an emergent bureaucratic elite into the service of nation-building” (2001:xvi). Wilson speaks of ‘thick’ (religious) and ‘thin’ (secular, national) reconciliation, and believes that in the case of the TRC, reconciliation was sought for the purpose of nation-building: “Post-authoritarian nation-building ... appealed to civic nationalism as the new basis for moral integration and a redefined conception of nation” (Wilson, 2001:xvi).

was passed in parliament meant a democratically elected group of people participated in formulating the content of the commission. Though Du Toit still contends that the history of the “secretive elite political deals” that ended apartheid and negotiated the transition to democracy is necessarily remembered selectively (Du Toit, 2014:393). Maluleke also notes the lack of public consultation and debates in the process leading up to the TRC, which may have resulted in the lack of engagement and “deafening theological silence” from churches during the hearings (1997:328). More of the concrete political acts that resulted in the formation of the TRC follow.

### **“The Promotion of National Unity and Reconciliation Act”**

In order to address the legacy of apartheid, institutionalize democracy, and deal with the various dimensions that characterize a transitional society, *political* state action had to be taken. A *political* strategy had to be negotiated in order to transition from apartheid to a constitutional democracy. The fundamental principles of public life and constitutionalism had to be developed. The transitional justice strategies or options available to the state were not clear-cut and easily initiated, and full acceptance and support of any chosen path would inevitably face some resistance; especially as it became clear that a truth commission would have to deal with the past in a way that held truth-telling, limited amnesty, and reparation in tension. The TRC was also formed and operated in the context of a rapid liberalizing South Africa and had to contend with various ideologies.

Legally, the TRC was formed through constitutional mandate in the form of a post-amble to the Interim Constitution of 1993. Its wording provides context to the legal mandate:

“This Constitution provides a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex. The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society. The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and the legacy of hatred, fear, guilt and revenge. These can now be

addressed on the basis that there is a need for understanding but not vengeance, a need for reparation but not for retaliation, a need for *ubuntu* but not victimization.

It continues with the provision for amnesty:

In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offenses associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law determining a firm cut-off date, which shall be a date after 8 October 1990 and before 6 December 1993, and providing for the mechanisms, criteria and procedures, including tribunals, if any, through which such amnesty shall be dealt with at any time after the law is passed. With this Constitution and these commitments we, the people of South Africa, open a new chapter in the history of our country”.<sup>106</sup>

The months-long consultation process by the Justice Portfolio Committee listened to requests and fears from all sides and attempted to incorporate all these in legislation (Krog, 2013:3). The TRC was finally instituted by parliament and founded based on *The Promotion of National Unity and Reconciliation Act (No. 34 of 1995)* (the Act), which stipulates the TRC’s purpose.<sup>107</sup>

Its broader objective was “to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past ...” (The Act, n.d.). This was spelled out, but not limited by, four tasks that had to fulfil this objective. It is worth quoting these tasks at length in order to demonstrate how comprehensive this mandate was (wider than any other truth commission to date). The Act Section 3:1 (a-d) states:

- (a) establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period from 1 March 1960 to the cut-off date, including the antecedents, circumstances,

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<sup>106</sup> The cut-off date was later changed to 10 May 1994 (when President Mandela was officially inaugurated) as it could enhance the prospects of national unity and reconciliation, because it would allow groupings involved in the ‘armed struggle’ during negotiations - such as the Afrikaner Weerstandsbeweging (AWB), Afrikaner Volksfront, the Pan Africanist Congress (PAC) and the Azanian Peoples Liberation Army (APLA) - to participate in the amnesty process (TRC Report Vol. 1, 1998:120).

<sup>107</sup> Krog writes that this act is regarded as “the most sensitive, technically complex, controversial and important legislation ever to be passed by Parliament” (2013:7). The full text is available online: <http://www.justice.gov.za/legislation/acts/1995-034.pdf> [Last accessed 1 December 2016].

factors and context of such violations, as well as the perspectives of the victims and the motives and perspectives of the persons responsible for the commission of the violations, by conducting investigations and holding hearings;

- (b) facilitating the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective and comply with the requirements of this Act;
- (c) establishing and making known the fate or whereabouts of victims and by restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims, and by recommending reparation measures in respect of them;
- (d) compiling a report providing as comprehensive an account as possible of the activities and findings of the Commission contemplated in paragraphs (a), (b) and (c), and which contains recommendations of measures to prevent the future violations of human rights.

The first three tasks of (a) uncovering gross human rights violations, (b) granting amnesty, and (c) recommending reparations were each served by a separate committee; the final task was (d) compiling the report, which was performed largely by the Research Department. The three committees included the Human Rights Violations Committee (HRVC), the Amnesty Committee (AC), and the Reparation and Rehabilitation Committee (RRC), which respectively served the first three of these tasks. How these three committees worked together to achieve their mandate, will be elaborated on in the following sections of this chapter.

The mandate also had its severe limitations, which has drawn widespread criticism. Importantly, the aim of the TRC was not to investigate apartheid as a system per se. The term *apartheid* was not used in the Act nor in the constitution. There were many consequences of the long years of apartheid and the oppressive laws and policies that shaped South Africa (and one can add colonialism and other structural oppression even before the passing of apartheid policies) that needed to be addressed, but that the TRC could not address through its structures and with its limitations. This included issues such as various segregation policies and practices, racialized poverty and wealth, gender-based violence, migrant labor, state corruption, prohibition on mixed marriages, land reform, institutionalized racism, pass laws, Bantu education, forced removals, and violations of socioeconomic rights. This is what is referred to as “the daily pain of the majority of South Africans” considered to fall outside of the mandate

(Walaza, 2003:200). This can be understood in light of the narrow definition of what constituted a “gross human rights violation”. It was limited to focus on ‘bodily integrity rights’ (rights that are enshrined in the new South African Constitution and under international law) (TRC Report Vol. 1, 1998:64). The Act defines it in section 1:

“‘gross violation of human rights’ means the violation of human rights through - (a) the killing, abduction, torture or severe ill treatment of any person; or (b) any attempt, conspiracy, incitement, instigation, command or procurement to commit an act referred to in paragraph (a), which emanated from conflicts of the past and which was committed during the period 1 March 1960 to the cut-off date within or outside the Republic, and the commission of which was advised, planned, directed, commanded or ordered, by any person acting with a political motive” (The Act, n.d.).<sup>108</sup>

Those who might have been thought to be guilty of any other crime or injustice, including the systemic and structural injustices mentioned above, had the opportunity to apply for amnesty, or potentially face criminal prosecution.<sup>109</sup> Both the determining of who qualifies as a victim of gross human rights violations and who qualified for amnesty raises questions about the moral decisions made, criteria used, and distinctions made. It was, in essence, a “diminishing (of) the truth” (De Gruchy, 2002:156). This is given more context by understanding the TRC as political strategy and the other most popular proposals.

### **Amnesty-for-truth**

The eventual strategy of a truth commission was chosen in order to achieve a peaceful transition to democracy. Both the ideals of justice and reconciliation were mandated, not merely socially, morally, or legally, but decidedly politically. These ideals carried the interests of the political parties negotiating the political transition. The transfer of power to a democratically elected

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<sup>108</sup> The TRC Report acknowledges its limited definition of human rights violations, and the reality that the effects of apartheid were felt much wider. It even admits that “a strong argument can be made that the violations of human rights caused by ‘separate development’ – for example, by migrant labor, forced removals, bantustans, Bantu education and so on - had, and continue to have, the most negative possible impact on the lives of the majority of South Africans. The consequences of these violations cannot be measured only in the human lives lost through deaths, detentions, dirty tricks and disappearances, but in the human lives withered away through enforced poverty and other kinds of deprivation” (TRC Report Vol. 1, 1998:64,65). It therefore states that its definition of human rights violations is a reminder that “the responsibility for building the bridge between a dehumanizing past and a just and democratic future does not belong to the Commission alone” (TRC Report Vol. 1, 1998:60).

<sup>109</sup> The criteria for determining an act associated with a political objective is also stipulated in the Act.

government, as per the political negotiations, needed to be secured (Burton, 2000:78). Two problematic legal proposals dominated the debate that touched on these two aspects. On the one hand - the position favored by the National Party (NP) government and the security forces including the police and the military - that of blanket or general amnesty. On the other hand, criminal trials, akin to the Nuremberg Trials, seemed to be the alternative way forward to this general amnesty, especially for many that were involved in the liberation movements and that were adamant to see justice served. Boraine admits that, quite simply, the African National Congress (ANC) did not have the option of supporting only criminal prosecutions, as they needed to safeguard their protection by the security forces during the negotiating process. For this reason, guaranteeing partial amnesty for these forces provided leverage. Notwithstanding, a general amnesty would not be tolerated by the millions of witnesses and victims of South Africa's unjust past. Limited amnesty was therefore the only bridge leading over the waters of an apartheid-past, a "third way" holding together justice *and* reconciliation (Boraine, 2000:143).<sup>110</sup> Thus a truth commission became the "model in the middle" as described by Johnny de Lange, who had a hand in the TRC legislation and was later deputy minister of justice (Villa-Vicencio, 2009:100).<sup>111</sup> The decision to provide potential amnesty for individuals made it possible to consolidate the various options. Insofar as there was a political motivation from the negotiating NP and ANC members to see responsibility apportioned to all political parties, other histories were necessarily elided.

To assume that the overriding focus on national unity and reconciliation could escape the inevitable subjectivity in the quest for truth would be naïve. Despite this, Tutu seemed determinate in his interpretations. In his foreword to the TRC Report Desmond Tutu makes it clear that from his perspective "uncovering of truth" became the most crucial yardstick for successfully achieving the objectives of the TRC. He repeatedly uses it to measure the work of the TRC, particularly as it related to the 'victims': "we remain convinced that there can be no

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<sup>110</sup> The National Initiative of Reconciliation (NIR), launched in September 1985, also spoke of reconciled communities following the "third-way" of the gospel as being the key to overcoming the political crisis. Its "Statement of Affirmation" acknowledged the connection between reconciliation and the struggle for justice. See Balcomb, T. 1993. *Third Way Theology*. Pietermaritzburg: Cluster Publications. See also the essays in Nürnberger, K. & Tooke, J. (eds.). 1988. *The Cost of Reconciliation in South Africa*. Cape Town: Methodist Publishing House.

<sup>111</sup> Maluleke adds to these three models the options of lustration - the purging of government officials as was employed in post-communist Europe - and the option of clear negotiated restitution and compensation (2001:194). It is true that to some extent elements of all five of the options for nations to deal with their violent and painful past were included in South Africa's transition.



healing without truth” (TRC Report Vol. 1, 1998:4); “There were others who urged that the past should be forgotten .... such amnesia would have resulted in further victimization of victims by denying their awful experiences” (TRC Report Vol. 1, 1998:7). Tutu also acknowledges the value of the act of telling the truth, of allowing space for acknowledgement and confession – “As we have discovered, the telling has been an important part of the process of healing” (TRC Report Vol. 1, 1998:16). Again, these interpretations stand to be challenged or critiqued.

Critics have called South Africa’s transition a “political compromise” and some believe that this was reinforced by a “compromised truth that obscured the whole truth” (De Gruchy, 2002:156). The main perpetrator in this critique is usually the amnesty-for-truth provision.

The Promotion of National Unity and Reconciliation Act reads: “...(S)ince the Constitution states that in order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of conflicts of the past” (The Act, n.d.). The connection between amnesty and ‘truth’, and more specifically the notion of an ‘amnesty-for-truth’ arrangement, actually came about some time *subsequent* to the adoption of the Interim Constitution and its post-amble.

Around the time of FW de Klerk’s speech on 2 February 1990, the issue of a general amnesty was first raised in public discussion. Amnesty was perceived in political terms, in the sense that it was necessary to get the political negotiations going.<sup>112</sup> For some amnesty seemed to be “a token of reconciliation outweighing the demands of justice and accountability” (Du Toit, 2014:400). At the beginning stages of the TRC process, truth and justice was therefore often posed against one another, with truth often seen as a “panacea for the difficulties of enforcing or ensuring retributive justice” (Hamber, 2002:73).

After the release of Nelson Mandela and the National Party’s announcement of its commitment to change, “talks about talks” commenced between the ANC and the NP.<sup>113</sup> In May of 1990

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<sup>112</sup> Botman and Petersen state clearly that amnesty was a political trade-off and “in that sense it is the price the victims will be paying for the kind of political settlement that was attainable” (1996:12).

<sup>113</sup> It is widely recorded that the speech made by F.W. De Klerk on 2 February took most people, even his closest colleagues and politicians, by surprise. Some attribute it to the fall of communism in Eastern Europe, with the collapse of the Berlin wall months before. Slabbert also recalls a personal conversation with De Klerk where De

they signed the *Groote Schuur Minute*, paving the way for further negotiations. These talks “erected the deliberative scaffolding for a transition to democracy” (Doxtader, 2001:239). They eventually led to the Convention for a Democratic South Africa (CODESA 1 & 2) and the Multi-Party Negotiating Process (MPNP), in which negotiators grappled with the amnesty issue. Du Toit marks August 1992 as the start of wider public controversy and debate around amnesty, citing the many media publications on the issue in this time (2014:406). The NP made it clear during negotiations that they were in favor of a general amnesty. The ANC objected to this, knowing that the implications of a general amnesty would have been, amongst other things, a sure way to forego accountability of perpetrators. Du Toit outlines the “genealogy of the ‘need for truth’” that became prevalent in public discussion in late 1992 (2014:406). ‘Truth as acknowledgement’ was an idea put forward as early as 1990 by Arthur Chaskalson, who became President of the Constitutional Court in South Africa in 1994. Du Toit notes that the substantial implications of such an amnesty for ‘truth’ in politics were “barely mentioned, if at all” (2014:400). The TRC’s amnesty was novel in the sense that never before had an amnesty process been linked to providing the truth about the events for which amnesty was sought, despite the challenges it faced in implementing this strategy.

The Negotiating Council eventually hastily approved a vague plan that offered amnesty for truth, which was drawn up as a post-amble to the constitution. Albie Sachs gives his own account of the origin of the *individual* amnesty clause. According to his account, it was the security forces who used their position and power to defend a peaceful election process to negotiate their own amnesty. The ANC leadership was informed by the security forces that they were promised amnesty by President De Klerk. Sachs was consulted and knew that blanket amnesty would have negated the principle of institutional and personal accountability. At the time he was in London, and recalls responding to the ANC leadership via telex:

“Why not, I proposed, link amnesty to a truth commission: there would be no blanket amnesty, but each individual who came forward and acknowledged what he or she had done, would receive indemnity to that extent. This suggestion was followed, and in this way the Truth Commission and the amnesty process were linked on an individualized basis” (Sachs, 2009:71).

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Klerk cited a ‘spiritual leap’ away from apartheid, but that he felt De Klerk did not really understand the implications of his speech at the time (Slabbert, 2003:320).

Mention of amnesty was therefore only included in this post-amble to the Interim Constitution, and not initially linked to a truth-seeking process (Hayner, 2011:27). After the 1994 election it was Dullah Omar, the new Minister of Justice, who initiated the setting up of a TRC, accepting responsibility for the post-amble of the Constitution that required a process of granting amnesty. The Portfolio Committee on Justice, consisting of members of all political parties represented in Parliament, was responsible for putting together the draft Bill. A smaller working group was responsible for the initial drafting, and for wide consultation. This included widespread groundwork done by ‘Justice in Transition’, a nongovernmental organization, who hosted two conferences in 1994 titled “Dealing with the Past”, and “Truth and Reconciliation” in which perspectives were gained from scholars and practitioners from Eastern Europe, Central Europe, and South America and discussion could take place.<sup>114</sup> In addition to these, there were workshops and smaller conferences across South Africa in this time, ensuring that the process was “as open, as transparent, and as democratic as possible”, which Boraine claims it to have been (2000:145). It is clear that definitions and the envisioned consequences of amnesty, truth, justice, and reconciliation were hotly contested throughout.

Both the critique and approval of this amnesty-for-truth arrangement in terms of getting to any sort of truth has been widely reflected on. The moral functioning of the Amnesty Committee has been highly criticized, due to its choice for quasi-trials and its juridic procedures (Krog, 2003:118). Antje de Bois-Pedain makes a thorough study of the amnesty-for-truth arrangement, highlighting both the advantages and disadvantages in this truth recovery process, as compared to what could be achieved by criminal trials. She concludes that the Amnesty Committee did have a superior means of truth discovery due to three reasons. Firstly, the “dynamics of disclosure” allowed the perpetrator to share the full extent of their knowledge and memory, as truthfully as possible.<sup>115</sup> Secondly, the amnesty process is interested in “the political self-understanding” of the perpetrator at the time of their act. The reasons why violations occurred become clear through the sharing of political motivations, contexts and

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<sup>114</sup> Alex Boraine, who headed these initiatives as the executive director of Justice in Transition, provides some detail on these activities and the efforts of the Portfolio Committee on Justice (Boraine, 2000: 47-75). Two publications came from the two conferences: Boraine, A., Asmal, K., Levy, J. (eds.). 1995. *The Healing of a Nation?* Cape Town: Justice in Transition; Boraine, A., Levy, J., Scheffer, R. (eds.). 1994. *Dealing with the past: truth and reconciliation in South Africa*. Cape Town: Institute for a Democratic Alternative for South Africa.

<sup>115</sup> However, the amnesty hearings had to rely on the moral convictions of perpetrators, which were often untrusted by victims. The case of Siphwe Mtimkulu is documented in the documentary film by Mark Kaplan, *Where Truth Lies*. See *Where Truth Lies* [film]. 1999. Cape Town: African Renaissance.

perceptions. Thirdly, she mentions the *voluntary* admission of culpable acts and omissions by amnesty applicants. Despite the shortcomings of memory, these accounts delegitimize past behaviors (Du Bois-Pedain, 2007:214, 215).

Individual amnesty seemed like the best option for a peaceful political transition to a democratic South Africa. How did this align with the notions of justice and reconciliation that informed the abovementioned processes and political decisions? Some of the political uses of the notions of justice and reconciliation in the South African context follow.

### **Restorative Justice**

Transitional justice as an “invented tradition” of the late twentieth century faced the limits of law and retributive justice, leading to the formation of its development of restorative justice which focuses on restoring humanity to both perpetrator and victim (Cole, 2010:x). The issue of restorative justice became central in South Africa as debates about which form of justice, and justice for whom, were widely held during the negotiation period. Retributive justice was seen as “un-African” by some, including former Archbishop Desmond Tutu (Wilson, 2001:xvi). Those at the negotiating tables knew that the final word could not be left to traditional legal mechanisms, and that a deeply divided society required something more if healing and reconciliation were to be achieved. As a victim-centered approach to justice was sought, criminal justice would not be suited with its adversarial nature and its focus on finding factual truth with which to convict perpetrators. The report underscores its focus on victims and restorative justice:

“Restorative justice demands that the accountability of perpetrators be extended to making a contribution to the restoration of the well-being of their victims ... The fact that people are given their freedom without taking responsibility for some form of restitution remains a major problem with the amnesty process. *Only if the emerging truth unleashes a social dynamic that includes redressing the suffering of victims will it meet the ideal of restorative justice*” (TRC Report Vol. 1, 1998:131, my emphasis).

Du Toit refers to this focus on justice that restores human dignity as “justice as recognition” (2005:443).<sup>116</sup> The Report reads:

“We have been concerned, too, that many consider only one aspect of justice. Certainly, amnesty cannot be viewed as justice if we think of justice only as retributive and punitive in nature. We believe, however, that there is another kind of justice - a restorative justice which is concerned not so much with punishment as with correcting imbalances, restoring broken relationships – with healing, harmony and reconciliation. Such justice focuses on the experience of victims; hence the importance of reparation” (TRC Report Vol. 1, 1998:9).<sup>117</sup>

This did not mean that criminal justice was excluded, as there were simultaneous trials and persecutions that took place alongside the TRC. It was also the intention that where amnesty was denied, criminal prosecutions would follow. The possible complementary relationship between criminal justice and transitional justice measures has been referenced earlier in this study. The supposed benefit for the sake of truth of having more tools than only those offered by criminal trials is demonstrated by Tutu’s words: “The Malan trials and the Goniwe inquest have also shown us that, because such legal proceedings rely on proof beyond reasonable doubt, the criminal justice system is not the best way to arrive at the truth. There is no incentive for perpetrators to tell the truth” (TRC Report Vol. 1, 1998:6). The TRC had to concede to the fact that “full justice is not always possible in a society in transition”, but that they had to hold in tension the different demands comprised in the mandate (Boraine, 2000b:147).<sup>118</sup> Despite linking the needs of restorative justice to truth as acknowledgement and allowing for victims to tell their stories, research indicates that a significant portion of victims favored and hoped

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<sup>116</sup> See Du Toit, A. 2000. The Moral foundations of the South African TRC. Truth as Acknowledgement and Justice as Recognition, in Rotberg, R. & Thompson, D. (eds.). *Truth v. Justice*. Princeton: Princeton University Press. 122-40.

<sup>117</sup> Boesak writes about restorative justice by proposing three emphases: justice as the restoration of integrity, justice as the restoration of human dignity, and justice as the restoration of human contentment. These three points of view draw from biblical proposals of restoration, rather than some historical restoration before apartheid or colonialism (2008:643 – 651). According to Philpott ‘restorative justice’ surfaced in the 1970’s as a proposal for reforming criminal justice in the United States, Canada, Australia, the United Kingdom, and New Zealand. He also mentions Tutu as the most famous examples of rehabilitating national political orders by employing this concept. See Philpott, D. 2015. Reconciliation, Politics, and Transitional Justice, in Appleby, R.S., Omer, A., Little, D. (eds.). *The Oxford Handbook of Religion, Conflict, and Peacebuilding*. Oxford: Oxford University Press.

<sup>118</sup> Cf. Villa-Vicencio, C. 2003. Restorative Justice: Ambiguities and Limitations of a Theory, in Doxtader, E. & Villa-Vicencio, C. (eds.). *The Provocations of Amnesty: Memory, Justice and Impunity*. Cape Town: David Philip Publishers.

for some form of retributive justice (Hamber, 2009:117).<sup>119</sup> The role of dealing with the perpetrator as restorative justice (and indeed a victim-centered approach) is given attention in the following section on the moral foundations of the TRC.

The development of the public discourse on reconciliation provides further clarification into the origins of the TRC, which enables a more comprehensive framing of the TRC, and thereby more context to the forthcoming questions on truth-telling.

### **The Political use of Reconciliation**

One cannot speak about transitional justice without paying attention to the symbol and language of reconciliation. Moon writes, “Reconciliation as the prefigured closure of transition thus shapes the new official history from its very beginning in both symbolic and material ways, both as an imaginary condition of co-existence, and as a disciplinary discursive construction” (Moon, 2006:271). It has been noted how reconciliation is a “contested symbol” in South Africa (Solomons, 2018). Verily, Christian discourse in the South African context has used the term ‘reconciliation’ as a guiding political concept since the *Message to the People of South Africa* in 1968 (Conradie, 2013:13). Its use is both widespread and contested. It is a term that has been propagated by advocates for justice like Beyers Naudé since the beginning of the resistance against apartheid.<sup>120</sup> Reconciliation has been used widely and loosely in both religious and political language, thereby also weakening its usefulness in speaking to particular issues. Boesak even cautions, writing that “We [Christians] did not, forthrightly, boldly and honestly confront the politicians with the truth that one cannot use the concept of reconciliation as a political subterfuge without understanding, and honoring the biblical demands that inevitably come with it” (Boesak, 2008:642). Hereby Boesak refers to the biblical demands of justice, particularly emphasized in liberation theologies.<sup>121</sup> Major theological works on

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<sup>119</sup> Hamber’s research also points out that doing justice or traditional mechanisms of dispute resolution are often the preferred option in many societies (2009:120).

<sup>120</sup> See for example Naudé’s inaugural address as the director of the Christian Institute of South Africa (CI) on 15 December 1963, titled *Reconciliation*. It was first published in a collection of sermons of Naudé, *My Decision*, and later in the first edition of the *Beyers Naudé Centre Series on Public Theology, The Legacy of Beyers Naudé* (Hansen, 2005).

<sup>121</sup> “What if the consequences of the discovery that the doctrinal ideas of reconciliation as the satisfaction of a wrathful God’s justice are such a huge impediment to what South Africa desperately needed, that they have to either be discarded, or ignored, or suppressed, or made uniquely applicable only in church. That for society,

reconciliation, such as De Gruchy's, *Reconciliation Restoring Justice*, therefore underscore the inseparability of reconciliation to justice. The reality is that this connection was not self-evident to all who participated, especially those that can be seen as beneficiaries of apartheid.<sup>122</sup> By considering the historical striving towards reconciliation, one can better understand the historical development that lead to the birth of South Africa's TRC and its bold focus on reconciliation.

The TRC's focus on reconciliation is one of the reasons why it attracted such international attention (De Gruchy, 2002:11). Van der Borgh argues that the very concept of reconciliation was transformed due to the role it played in the transition to a democratic South Africa (2015:412). The TRC could even be described as a case study for reconciliation, especially in understanding how the theological and political genres of reconciliation relate to one another.<sup>123</sup> Such an exploration between the politics of reconciliation and the Christian doctrine of reconciliation can be a site for many of the questions and challenges raised by the mandate of the TRC. The combination of truth and reconciliation in the TRC would also put truth in the perspective of reconciliation (Boraine, 2000:37). Questions raised by Boesak remain worth deliberation: "Is the establishment of the "truth" as required by law written especially for the TRC process, adequate in terms of the truth demanded by reconciliation, and do the discrepancies not create problems the TRC process could not possibly handle? ... Is it possible that more truth can jeopardize rather than facilitate reconciliation?" (Boesak, 2008:637).<sup>124</sup>

Therefore, in order to engage meaningfully with the discourse on reconciliation, it is necessary to consider it in relation to particular circumstances and contexts. Reflections on the meaning

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however, they seem to have no practical value? Can Christians live with a dichotomy of such enormous proportions?" (Boesak, 2008:637).

<sup>122</sup> Rev. Mxolisi Mpambani told the following parable at the TRC, which demonstrates this lack of integration between justice and reconciliation prevalent in some of the so-called beneficiaries of apartheid: 'There were two boys living opposite each other. John stole a bicycle from Tim and then after a year John came to Tom and said: "Tom, I stole your bicycle and what I now need is reconciliation." Then Tim looked at John and said: "Where is my bicycle?" He said: "No, I am not talking about your bicycle now, I am talking about reconciliation."' (Du Toit, 1998:117).

<sup>123</sup> Two significant publications that use this case study approach of the South African TRC in relating political and theological reconciliation are De Gruchy, J.W. 2002. *Reconciliation Restoring Justice*. SCM Press: London, and Wüstenberg, R. 2009. *The political dimension of reconciliation: a theological analysis of ways of dealing with guilt during the transition to democracy in South Africa and (East) German*. Grand Rapids, MI: W.B Eerdmans. De Gruchy writes: "Reconciliation is a human and social process that requires theological explanation, and a theological concept seeking human and social embodiment" (2002:20).

<sup>124</sup> When Boesak refers to 'reconciliation' in these questions, it is indivisible from 'justice'.



of reconciliation are challenged by the observation made by De Gruchy when he states that “Reconciliation is, indeed, an action, praxis and movement before it comes a theory or a dogma, something celebrated before it is explained. Understood only or primarily as political theory or theological doctrine reduces it to an ahistorical idea that can be debated at length and in the abstract” (2002:21).<sup>125</sup> What might reconciliation have meant for the TRC – those that had to *perform* the mandate of reconciliation, the Commissioners and Investigation Unit, and those partaking in the hearings, the victims, survivors and perpetrators?

Jakes Gerwel states that the TRC redirected views on national reconciliation in the sense that it shifted from “the formal statist view, which seemed to dominate during and immediately after the epoch-making negotiation phase, to a more human substantive understanding based on social history and biography” (Gerwel, 2000:279). Wilson understands reconciliation as central to how people behaved, and that it became a “guiding principle for new rituals of civic nationalism” (Wilson, 2001:98). These “rituals” that were broadcast, are thought to have contributed to creating new state values by conjoining them to religious narratives (Wilson, 2001:98). The religious and therapeutic enactment by Tutu and others lead to the increasing prominence of understanding the reconciliation discourse as a religious and therapeutic discourse.

According to Wilson, the central meaning of ‘reconciliation’ was in practice an amnesty law, rather than the later formulations advanced by the TRC (Wilson, 2001:8). This was the “minimal understanding” which NP and ANC negotiators, according to Wilson, could agree on in the period of negotiations in 1993 (Wilson, 2001:99). The Act did not offer a definition of reconciliation itself, and does not explicitly stipulate that the function of the TRC is to reconcile victim and offender. This left room for practices, especially in the HRVC hearings, that seemed to embody reconciliation. Reconciliation has been described as “a powerful trope governing individual testimonies” in their structure, connected to contingent political circumstances (Moon, 2006:272). In this regard, it is worth noting Villa-Vicencio’s observation in his attempt at defining the ideal of reconciliation: “To name the ideal is to own it. To own is

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<sup>125</sup> Villa-Vicencio captures its complexity and beauty: “Reconciliation defies reduction to a neat set of rules. It is more than theory. There are no simple ‘how to’ steps involved. It includes serendipity, imagination, risk and the exploration of what it means ‘to start again’. It involves grace. It is a celebration of the human spirit. It is about making what seems impossible possible. It is about the complex business of real people engaging one another in the quest for life. It is an art rather than a science.”(Villa-Vicencio, 2002:3).

to limit. To define too closely is to reduce poetry to the rules of grammar. It is to turn creative imagination into pie in the sky and hope into illusion” (Villa-Vicencio, 2002:3).<sup>126</sup> De Gruchy also contends that “the way in which we speak with and listen to the alienated ‘other’ is already an action that makes reconciliation a possibility. Both words and deeds are necessary if we are to rescue reconciliation from banality and recover its costly connection with telling the truth and social justice” (2002:22).

One of the reasons why reconciliation was a priority in the negotiations for a transition is that if there were no focus on reconciliation, then the likelihood of repetition of past violations would always be a risk. Whether this goal was held in enough proximity to the call for systemic justice, remains without consensus. Botman and Petersen believe that reconciliation was meant to replace a culture of revenge, not the culture of justice (1996:11). Tutu echoes the sentiment that many who are beneficiaries of unjust systems and whose privilege has been unaffected in the whole process for more justice and reconciliation, should acknowledge their indebtedness to reconciliation: “I want to make a heartfelt plea to my white fellow South Africans.... They should be saying: “How fortunate we are that these people do not want to treat us as we treated them. How fortunate that things have remained much the same for us except for the loss of some political power” (TRC Report Vol. 1, 1998:18). This reality that “things have remained much the same” is exactly what scholars like Mamdani and Wilson critique, but the question

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<sup>126</sup> Erik Doxtader has made an invaluable contribution towards the discourse on reconciliation in his 2009 publication, *With Faith in the Works of Words*, in which he argues that the history of reconciliation in South Africa is a “rhetorical history”. His motivation for grasping its history as a rhetorical question is drawn from “an old debate over the potential of speech to enable and enact reconciliation” (2009:14). He states that “...(T)he history of reconciliation is held in a host of words that announce, trouble, and constitute the work of history-making” (2009:12). He traces how “a diverse set of calls, arguments, and deliberations” about the meaning, functioning and importance of reconciliation “preceded, conditioned, and followed” the transition from apartheid to constitutional democracy (2009:4). Wilson also agrees that reconciliation discourse played a mitigating role in dealing with amnesty for perpetrators and political power-sharing (2001:97). This puts the TRC within this trajectory, and even as the culmination point of reconciliation rhetoric. Hereby Doxtader awards attention to transcripts and deliberations (in addition to more well-known materials) that have received “almost no critical scrutiny” in terms of how they advance arguments about reconciliation or how they “argumentatively enact its practice”. These include the Convention for a Democratic South Africa (CODESA) and the multi-party negotiation process (MPNP) materials and recordings, and select debates in parliament (2009:16). In short, he believes that a full understanding of the Commission’s development demands inquiry into the “large and contested place of reconciliation in South African politics” (2009:11). This project by Doxtader therefore proposes that the TRC was not only a continuation of the conversation on reconciliation, but that the methodology of rhetorical practices was a fundamental and natural way of enacting reconciliation for South Africans. He argues that reconciliation has a performative quality that opens time and space with its characteristic speech that has constituted “a mode of collective action” (2009:4).

remains if this aspect of reconciliation, including economic redistribution or restitution and dismantling of systems of supremacy, could have been addressed by the TRC at all.<sup>127</sup> Tutu emphasizes: “It is important to remind us all that the TRC is expected to *promote*, not to *achieve*, reconciliation” (Du Toit, 1998:6). Reconciliation defined in terms of the stabilizing of the political climate and contributing towards democratization is perhaps a more realistic expectation in light of the commission’s mandate. Others have referred to reconciliation as a fortunate by-product of the whole TRC process, and not intentionally brought about by it.

Wilson makes a three-fold distinction between major narratives of reconciliation in the TRC that further help to map the discourse: the legal-procedural, the mandarin-intellectual and the religious-redemptive (2001:104). The legal-procedural view of reconciliation was a “legal positivist” view dominant among lawyers and within the Amnesty Committee, which also steered clear of imposing values or making political judgments. Although amnesty was seen as the ‘carrot’ used to promote reconciliation, there was little talk or mention of reconciliation in the Amnesty Committee hearings, for whom reconciliation was “immaterial in its decisions” (Wilson, 2001:105; 106). The second perspective that Wilson offers on reconciliation is that of the mandarin-intellectual narrative. This view has a bias in favor of ‘the nation of South Africa’, rather than individuals or social groups. Reconciliation in this sense is understood on the “more abstract, transcendental and national level”, but remained largely an intellectually coherent idea with little practical ground-level application (2001:108). Thirdly, he explains the religious-redemptive focus to be on the ‘living-law’ of the day to day functioning of the courts and police. In this sense reconciliation is linked with the notions of “confession, forgiveness, sacrifice, redemption and liberation”, but “like all unifying metaphors, would function best as a kind of social glue when it was left indeterminate” (Wilson, 2001:98;101). Tutu and the members of the Reparations and Rehabilitation Committee are said to have advocated this most strongly (Wilson, 2001:109). The televised Human Rights Violations hearings were also dominated by this particular understanding of reconciliation – a religious-redemptive vision (Wilson, 2001:xix). Here the focus was again on individuals and on a symbolic reconciliation that was

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<sup>127</sup> Boesak echoes the sentiment of Mamdani: “There are some whites who perpetrated the system of Apartheid, but *all* whites benefited from it. This is how we should address the question of guilt, repentance, reparations and restitution. He was right. We focused on what he called “the fractured elite” (perpetrators and victims) instead of on society as a whole, on individuals instead of on the systems of injustice that Apartheid essentially was, so that justice never became a demand for systemic reform of society as a whole. We did not seem to get beyond the single perpetrator or the single victim” (Boesak, 2008:641)

not connected to broader projects of mediation and counselling. Speaking the truth echoed the Christian act of confession, embracing ‘social truths’ (Wilson, 2001:109; 110). Some of these performances of reconciliation discourse provide further insight.

“This thing called reconciliation... if I am understanding it correctly... if it means this perpetrator, this man who has killed Christopher Piet, if it means he becomes human again, this man, so that I, so that all of us, get our humanity back... then I agree, then I support it all.” These are the words of Cynthia Ngewu, one of the Gugulethu Seven mothers, in the second week of the human rights violations hearings. Krog explains that Ngewu grasped with this statement the essence of what she has termed “interconnected-towards-wholeness”, an essential element of reconciliation (Krog, 2015:213). In her analysis of the discourse in the TRC, Krog incorporates an indigenous African worldview, “an indigenous interconnectedness” which she demonstrates to have “wide implications for the concept of transitional justice as it rejuvenates the main concepts of healing, amnesty, and reconciliation” (Krog, 2015:203). She argues that evaluative engagements with the TRC have missed the epistemological qualities of the language used in the TRC hearings, and that this interconnectedness-towards-wholeness was in fact the interpretive framework for the theology of Desmond Tutu and the politics of Nelson Mandela (2015:211). The issue of translation of ‘reconciliation’ into isiXhosa is an example that demonstrates the constraints of language; the translated term, *noXolelwaniso* is closer to forgiveness than to reconciliation (Krog, 2015:212). Moreover, there is an indivisibility between reconciliation and forgiveness not only linguistically, but also in the philosophy - or African ethic - of Ubuntu.

The term Ubuntu escapes simple definitions; its use and how best to understand its relationship to reconciliation has become contested. Some believe that “reconciliation was to be an affirmation of Ubuntu, a ‘recognition of the humanity of the other’” (Posel, 2002:149). Krog argues that it needs to be distinguished from Christian frameworks. Western scholars such as Wilson are critical of the use of *Ubuntu* as human rights discourse, which is believed to be adopted in support of African nationalism and removed from individual based notions of rights. While Wilson (and others) have seen Ubuntu as mere “wrapping”, Krog recovers it through this ‘interconnectedness-towards-wholeness’. Wilson writes, “*Ubuntu* should be recognized for what it is: an ideological concept with multiple meanings which conjoins human rights, restorative justice, reconciliation and nation-building within the populist language of pan-Africanism. In post-Apartheid South Africa, it became the Africanist wrapping used to sell a

reconciliatory version of human rights talk to black South Africans” (Wilson, 2001:13). Krog argues that “it was the other way around: the world view was the essence and foundation of the TRC process, but it only became visible to some through the ‘wrapping’ of Christianity and restorative justice” (Krog, 2013:195). Others, such as Maluleke (1997:326) and Petersen (1996:62) have raised the question of whether *Ubuntu* became ‘cheap grace’ (Bonhoeffer) by allowing the TRC process to be too magnanimous and too forgiving.<sup>128</sup>

What was the TRC’s self-understanding of reconciliation, retrospectively? The TRC Report demonstrates how the concept of reconciliation was understood, primarily by the use of examples from the work of the Commission. This includes a short description of the elements concerning reconciliation that emerged from the TRC (1998:106 – 109) and more than 80 pages dedicated to examples in Chapter 9, Volume 5 of the TRC Report, titled ‘Reconciliation’. The five levels of reconciliation in Volume 1 (coming to terms with a painful past; reconciliation between victims and perpetrators; reconciliation at a community level; promoting national unity and reconciliation; and reconciliation and redistribution) are not used to structure these examples in Volume 5, confirming the uncertainty about the definition of reconciliation within the TRC. In the foreword by the Chairperson, a contribution on reconciliation is also offered. In his foreword, Tutu highlights that reconciliation requires “facing up to reality”, and that “the truth can be, and often is, divisive. However, it is only on the basis of truth that true reconciliation can take place. True reconciliation is not easy; it is not cheap” (TRC Report Vol. 1, 1998:18).<sup>129</sup> Elsewhere, Tutu writes: “True reconciliation exposes the awfulness, the abuse, the hurt, the truth. It could even sometimes make things worse. It is a risky undertaking but in the end it is worthwhile, because in the end only an honest confrontation with reality can bring real healing. Superficial reconciliation can bring only superficial healing” (Tutu, 2004:55). These words by Archbishop Desmond Tutu convey something of the complexity of speaking about reconciliation. There are few other keywords with more contested meaning and relevance than reconciliation. Even though it was one of the main purposes or goals of the TRC, national reconciliation was always something that would extend beyond the life of its formal process.

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<sup>128</sup> Cf. the TRC Report under “Ubuntu: promoting Restorative Justice” (TRC Report Vol. 1, 1998:125-131).

<sup>129</sup> Others, such as Frederick Van Zyl Slabbert, are less convinced by the argument that truth (here he refers to “accountable truth” – factual truth) leads to reconciliation. He states, “The assumption that truth leads to reconciliation or that it is a necessary prerequisite is based on sentimental theological assumptions that very often bear no relation to reality. Can there be reconciliation without truth? Of course there can” (Slabbert, 2003:323).

Further context can be gained by briefly exploring how reconciliation and its religious use has been understood in broader transitional justice discourse. Philpott is among a number of scholars who account for the thought and actions of religion in transitional justice by focusing on reconciliation; “Indeed, an eruption of religious arguments for reconciliation is one of the unexpected and novel developments of the age of transitional justice” (2007:12). He remarks that religious ethicists and theologians are “disproportionately represented” among “reconciliation’s theorizers” (2012:7). Their contribution is in their “texts and traditions” that express reconciliation. He describes reconciliation as the “restoration of right relationship” and notes that Abrahamic faiths have also understood justice to mean “something much like right relationship” (2012:5). He therefore acknowledges the religious tradition of linking the concepts of reconciliation and justice. “Reconciliation is not so much a solution to evil as it is a response to evil, a response that in the political realm will always be partially achieved, compromised by power, challenged by its sheer complexity, and often delayed in its enactment” (Philpott, 2012:5). Philpott chooses to develop an “ethic of political reconciliation” that does not concern “all of life” but is focused on the political, which involves “a broad portfolio of practices that redress the multiform wounds that massive political injustices inflict” (2012:5,6).<sup>130</sup> These observations raise questions about the public nature, potential, and rationality of religion in the quest for reconciliation in political life.<sup>131</sup>

The mandate of reconciliation within the political context necessitated moral choices. Wilson writes, “Reconciliation was the Trojan horse used to smuggle an unpleasant aspect of the past (that is, impunity) into the present political order, to transform political compromises into transcendental moral principles” (Wilson, 2001:97). Whether one agrees or disagrees with this sentiment about how moral choices were performed, the TRC demonstrated a new shift in both political and moral logic according to some scholars: “The political compromise defied both the prevalent political and moral-theological logic that had been orchestrated for several decades” (Moosa, 2000:115). The following section looks at how these moral foundations were ascribed.

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<sup>130</sup> The six practices he develops in this book, *Just and Unjust Peace*, include: building socially just institutions and relations between states; acknowledgment; reparations; punishment; apology; and forgiveness (2012:4).

<sup>131</sup> Cf. Brudholm, T. & Cushman, T. (eds.). 2009. *The Religious in Responses to Mass Atrocity: Interdisciplinary Perspectives*. Cambridge: Cambridge University Press.



## Moral Foundations

The TRC was a moral endeavor. As Smit writes, “The Commission has clearly defined political objectives and legal parameters, but it is ultimately a spiritual, theological and moral endeavor, a search for forgiveness, reconciliation, and healing” (Smit, 2007b:23). One of the most commonly voiced objections to truth commissions are how they deal with justice, in light of their pursuit of other social purposes, such as reconciliation or historical truth. There is an inevitable moral defense required for a commissions’ strategy, implicitly or explicitly.<sup>132</sup> The TRC was a political project, mandated by legal measures, but colored by moral and ethical questions and concerns; there is widespread acknowledgement of the tension between the TRC’s function as a legal process versus the TRC as an “instrument of moral and emotional catharsis for the nation” (Wilson, 2001:41). At the base of its mandate laid its dealing with truth. “The link between truth and virtue lay at the heart of the commission’s mandate: here, the power of truth rested in its capacity to redeem the humanity of both victim and perpetrator, and thereby effect a transcendence of the ethical violations and social breaches of the past” (Posel, 2008:132).

Du Toit argues that truth commissions serve “to generate and consolidate new and distinctive conceptions of political morality that can henceforth inform the political culture” (2000:125).

“Conceptually, truth commissions are extraordinarily complex enterprises: their primary concerns are as much political as moral in ways that both invoke and recast history and law. If truth commissions address fundamental moral questions – of justice and truth, violence and violation, accountability and reparation – they do so not at the level of theoretical reflection or by means of established institutions but as eminently political projects. Conversely, the politics of truth commissions is informed by distinctively moral notions and objectives to a degree that is unusual in modern and secular societies” (Du Toit, 2000:122).

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<sup>132</sup> A democratic perspective on the morality of truth commissions, according to Rotberg and Thompson, should be moral in principle, perspective and practice. These three criteria mean, firstly, that the motivation should be clear moral action; secondly, it should be inclusive of those who seek moral terms of cooperation; and thirdly in practice, a truth commission making moral justifications for their approach to justice should embody this decision in a way that demonstrates this justice (2000:23). Also see Burton, M. 2000. Making Moral Judgements, in C. Villa-Vicencio & W. Verwoerd (eds), *Looking Back, Reaching Forward. Reflections on the Truth and Reconciliation Commission of South Africa*. Cape Town: University of Cape Town Press. 77-85.



Wilson believes that the TRC drew from *Christian theology* to formulate its moral position and passed resolute moral judgement on the past - in such a way that could lead to reconciliation and serve justice (Wilson, 2001:103). According to the scholar Ebrahim Moosa, liberation theology in the apartheid years in South Africa emphasized the moral language of “obligation”; that is, morality guided by the act of obedience, as seen in the Abrahamic religions.<sup>133</sup> He writes, “It provides us with an understanding that the standard of judgment between truth and falsehood emanates from a locus outside and beyond us. Obligation disrupts and creates discord by a call that comes from without” (Moosa, 2000:114). Liberation theology therefore “held the architects and supporters of apartheid accountable for their lack of obligation to the standards of justice and fairness set out by the transcendental Creator” (2000:115). Moosa contrasts this language with the language found in Western philosophy, with its Greek origins, that believes that “the voice of ethics is from within ... on the level of immanence not transcendence” (2000:115). “Truth,” according to this distinction (drawing from the work of John Caputo), “is something that the subject already has, already owns or is herself” (2000:115). Moosa’s evaluation is that it was this ethics, “from within,” on which the political compromise was achieved; that indeed it “defied both the prevalent political and moral-theological logic that had been orchestrated for several decades” and that “discourses of liberation” would have to be abandoned (2000:116). He writes,

“In short, the truth was not something that came from ‘without’ but from ‘within’. It came from memoranda, conferences and smoke-filled rooms. The truth was what the ‘party’ (parties) said it was. The truth was not measured, but manufactured. To be charitable, we can say that the truth was negotiated. It was this truth that rescued South Africa from a revolutionary abyss. It is also the very same truth that will hover as a spectral figure over the country’s uncertain future” (Moosa, 2000:115).<sup>134</sup>

Distinction can be made between how morality played a role in the different aspects of the Commission – from its mandate, to its enactment, and the role that the commissioners played. Indeed, merely remembering can be a moral act, as Verwoerd writes: “...the partial fulfilment

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<sup>133</sup> Moosa worked as a journalist in South Africa and is now professor of Islamic studies at the University of Notre Dame.

<sup>134</sup> “The key to understanding this version of truth and reconciliation lies locked into the drama and performance of the TRC itself. Justice in the post-apartheid South Africa, as least as configured in the TRC legislation, no longer places the emphasis on transcendent criteria of values. Justice is now celebrated by means of immanence, the here and the now” (Moosa, 2000:118).

of our moral duty to remember the victims and to rescue the horrible from forgetfulness should be the primary lenses through which we should read this complex process” (Verwoerd, 1999:307). Verwoerd asserts the task that the TRC had of recovering memory, and that this is a moral duty. This memory work helps to define the “genre” of the TRC as storytelling (Verwoerd, 1999:307).<sup>135</sup>

Boraine makes the analysis that a central tension for South Africa in its transition from an unjust political system to democracy, as is the case with many countries, was between “the politics of compromise and a radical notion of justice” (2000b:156). Boraine goes as far as to state that the political compromise of *individual amnesty* was the most suited option to prevent further violence, thereby arguing that there was indeed a *moral basis* to the political compromise that determined South Africa’s transition.<sup>136</sup> The extent to which justice was sacrificed in pursuit of this ideal remains a contested notion.

Wilson believes a “moral imperative” was created by the focus on reconciliation that portrayed retributive justice as “bloodlust” (Wilson, 2001:97). The Nuremberg model, as a form of retributive justice, seemed unfit to meet the needs of transformation and healing. Besides this, the strength of the right-wing and state military and security forces was a major factor at the negotiating table, according to Boraine.<sup>137</sup> Any settlement that could lead to compulsory trials and negotiations would not be tolerated by these powers (2000b:143). Indeed, compromise was necessary, and any ‘compromise’ is bound to face criticism; therefore, the opposition to the amnesty provisions of the TRC were very severe. A case was even argued in the Constitutional Court of South Africa, which opposed the provisions, although the court ruled in favor of the TRC. “Truth revealed offered not only comfort and peace of mind but also a limited form of justice. Amnesty was the price that South Africa had to pay for a relatively peaceful transition.

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<sup>135</sup> Posel highlights the storytelling of victims as part of ‘negative commemoration’, a phrase used by Charles Taylor to describe the commemoration of national histories (a practice of democratic nation making) by including voices of victims. “Being prepared to speak out and acknowledge the pains of the past reconstitutes those once marginalized from history, as its victims, with the right and power to speak”. She adds, “Indeed, the politics of negative commemoration is inseparable from a politics of victimhood and the “victim consciousness” attached to it. Being declared, and claiming the status of, a victim is also a positioning in contemporary political fields of rights and entitlements, obligations and responsibilities” (Posel, 2008:123).

<sup>136</sup> Botman also argues this point from the perspective of how apartheid’s perpetrators were conceived in the legislation (Botman, 1999).

<sup>137</sup> For the South African Council of Churches explanation of this see “The Truth will set you free” SACC Brochure, 1995.

It was also a price many victims had to pay in order to know some of the truth of their horrendous past” (Boraine, 2000b:150).

Other contours of morality were also displayed in the TRC. Questions such as the one raised by De Gruchy, relating to what he calls “moral symmetry,” remain pertinent: “Can one equate the violations of human rights by the perpetrators of oppression with those of the oppressed who were engaged in a struggle for liberation?” (2002:13).<sup>138</sup> It is evident that this sentiment of being innocent in the striving towards a just cause resists any factual truth that might suggest blame. Krog quotes Michael Ignatieff, “Aggressors have their own defense against truth, but so do victims. People who believe themselves to be victims of aggression have an understandable incapacity to believe that they also committed atrocities. Myths of innocence and victimhood are a powerful obstacle in the way of confronting unwelcome facts” (1999:435). According to the Report, the TRC called upon the Augustinian distinction between *jus ad bellum* (justice of war) and *jus in bello* (justice in war) (TRC Report Vol. 1, 1998:66). Support of a just war thesis allowed for placing suffering into the context of the liberation struggle and to grant meaning to trauma and loss. However, the Report states that “Some have criticized us because they believe we talk of some acts as morally justifiable and others not. Let us quickly state that the section of the Act relating to what constitutes a gross violation of human rights makes no moral distinction - it does not deal with morality. It deals with legality. A gross violation is a gross violation, whoever commits it and for whatever reason. There is thus legal equivalence between all perpetrators” (TRC Report Vol. 1, 1998:12). Despite this attempt at legal equivalence, amnesty was only granted to those perpetrators that were found to have a political motivation, as has been highlighted.<sup>139</sup>

While this section did not cover all the issues of morality faced in the action taken to achieve the mandate of the TRC, it did outline some of the major tensions relevant to this study.<sup>140</sup> The specific influence of religion and theology in these conceptual understandings and in the

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<sup>138</sup> This question was raised explicitly in *Reconciliation through Truth* (Asmal *et al*, 1997), which called for a distinction to be made between those who fought against apartheid and those who defended it, especially if the TRC wanted to fulfil its implicit mandate to create a new moral order.

<sup>139</sup> The Report also makes it clear that the ANC and PAC fought a ‘just war’, while making a distinction between their ‘just war’ and ‘unjust means’ (TRC Report Vol. 2, 1998:325). Wilson also claims that there was a degree of “moral equalizing of suffering” where all victims and their pain was treated as if it were all free from ideological motivations, thereby practicing “historical revisionism in order to depoliticize the past” (Wilson, 2001:112).

<sup>140</sup> The morality of forgiveness is one major moral aspect that has not been touched on.

operations of the TRC will be dealt with again in the following section. Before looking to how truthfulness was constituted through the operations of the TRC, this section closes with the fourfold way that the TRC chose to ascribe truth, retrospectively.

### **Ascribing Truth Retrospectively**

The reality of the apartheid era was veiled by the propaganda of the radio, television and print media for so many years that there was a drastic turning away needed from lies and deceit. Boraine captures this necessary change aptly when he states, “The search for truth and the recording of that truth exorcised the fantasy of denial that makes transformation impossible” (Boraine 2000b:151). The task of truth-finding had to be descriptive and explanatory; the mandate to investigate and establish “as complete a picture as possible of the nature, causes and extent of gross violations of human rights committed” – in essence, the mandate to uncover truth. It was an attempt at a “national consensus about the past and how to overcome its legacy in the future” (Posel, 2002:149). Interpretations of what the ‘truth’ meant were left to be worked out in the implementing of the mandate. So, regardless of the political or ideological interests that motivated this “model in the middle,” there was a further process of interpretation of the mandate by the Chairperson and commissioners who had to implement it. In the TRC Report, four contours of truth emerged: *factual, narrative, social and restorative*.

The first contour is that of *factual truth*. The Act required that the Commission “prepare a comprehensive report which sets out its activities and findings, based on factual and objective information and evidence collected or received by it or placed at its disposal” (The Act, n.d.). The mandate for forensic or factual truth operated on both the individual level, as it related to facts regarding particular incidents, and on a broader level, looking to determine findings about contexts, causes and patterns of these violations generally, even though amnesty was granted for specific, individual crimes. The process of capturing the content of the work of the TRC sought to be impartial and objective; whether this was at all possible or happened in practice remains contested. Tutu acknowledges that “...while we do not look for what a court would require – that is, proof beyond reasonable doubt – we demand that the evidence be reasonably true, on a balance of probability” (Du Toit, 1998:4).

These individual accounts were controlled by “an extensive verification and corroboration policy” (TRC Report Vol. 1, 1998:111). Accounts were systematized by a protocol design. It was redesigned until a fifth version included sufficient pointers that could verify a gross human

rights violation (TRC Report Vol. 1, 1998:139). This revision of the protocol was part of the shift from more narrative accounts towards a legal and administrative focus that could capture data easily. This meant a loss in the complexity of the narratives told and prioritizing of technical considerations above moral ones (Wilson, 2001:44,45).<sup>141</sup> Wilson highlights the effect of this appropriation when he writes, “Purposive rationality impoverishes the life-world of social agents as it increasingly renders the communicative practices of everyday life in instrumental and bureaucratic terms” (Wilson, 2001:45). Narrative theory and political discourse analysis applied to the TRC by Claire Moon reveals that the discourse that constituted this factual truth is in no way free from subjectivity and that the reconciliation agenda was formative. She argues that “Reconciliation discourse, by constituting its objects, subjects, concepts, and strategies, governs the production of knowledge and statements of ‘fact’ and ‘value’ and maps out the relations of power between those subjected to, and constituted by, its disciplinary force” (2006:265).

The political motivations for individual amnesty and the subsequent focus on human rights violations mentioned in the previous section had a direct bearing on the factual truth recovered. The choice for acknowledging the past with a ‘human-rights-violations-filter’ meant that facts about structural violence (which was crucial to the apartheid’s project of ‘separate development’ and arguably created many thousands more victims than political violations that the TRC sought to compensate and ‘reconcile’) were not attended to. Mahmood Mamdani is a noted critic of this focus of the TRC (Mamdani, 2000:58). According to Mamdani, the political party and institutional hearings may have provided the most suited context to address these policy issues, but this opportunity was largely missed.<sup>142</sup> He believes it left the question unanswered of how “those who continue to be the beneficiaries of apartheid, a substantial minority, and those who continue to be its victims, the majority, live together?” (2001:59). His critique is that a different truth than the truth established by the TRC is needed to speak to the

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<sup>141</sup> Chief Justice DP Mahomed is quoted in the Report when he echoes this observation: “Much of what transpired in this shameful period is shrouded in secrecy and not easily capable of objective demonstration and proof.... Secrecy and authoritarianism have concealed the truth in little crevices of obscurity in our history. Records are not easily accessible; witnesses are often unknown, dead, unavailable or unwilling. All that often effectively remains is the truth of wounded memories of loved ones sharing instinctive suspicions, deep and traumatizing to the survivors but otherwise incapable of translating themselves into objective and corroborative evidence which could survive the rigors of the law” (TRC Report Vol. 1, 1998:123)

<sup>142</sup> FW De Klerk, who represented the National Party and the former government at the hearings, has received much criticism for his stance on having no knowledge about many of the violations and killings that happened under his leadership.

relationship between “beneficiaries” and “victims” as a collective. More specifically he questions those that *benefitted* within the laws – therefore not the law-breakers and perpetrators of gross human rights violations – and how the truth about their benefit, at the cost of others, was not addressed. He calls this a ‘moral compromise’, caused by the ‘political compromise’ of the negotiated settlement of 1994. He goes further to state that the beneficiaries were invited to join victims in a public outrage against perpetrators, thereby divorcing themselves from any responsibility for them, and any need for forgiveness (2001:60).<sup>143</sup>

The focus on factual truth was most evident at the Amnesty Committee hearings and of particular importance in the amnesty process of the TRC. The Act stipulates that amnesty would be granted if full disclosure were made of all relevant facts. “The amnesty process provided vital insights into the motives and perspectives of perpetrators and offered important evidence regarding the authorization of gross violations of human rights” (TRC Report Vol. 1, 1998:153). Both written submissions and testimonies offered at hearings provided these facts. The collection of the information became more challenging as the work of the Commission progressed, as emphasis was placed on efficient and professional processing of statements as opposed to the holding of hearings. “We have contributed more to uncovering the truth about the past than all the court cases in the history of apartheid” (TRC Report Vol. 1, 1998:2) – these words from the TRC Chairperson are offered almost as a consolation in light of the limitations faced by the TRC in its reporting on the trauma of victims while ensuring the rights of alleged perpetrators.

Although the Report claims that “we have provided enough truth about our past for there to be a consensus about it” (TRC Report Vol. 1, 1998:18), there has been criticism that it did not go far enough in uncovering the ‘factual truth’ consistently and thoroughly.<sup>144</sup> Although it did reduce “the range of permissible historical revisionism”, some believe this did not go far enough (Hamber, 2002:75). The limitations in this observation from Smit are desperately true:

“The whole truth will never be able to be told and cannot ever be told. The truth about the pain caused by racial laws, injustice, low wages, disadvantaged education, inadequate medical services, removals – the list goes on; the truth of personal stories, about fear, worry,

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<sup>143</sup> See also his contribution ‘When does Reconciliation Turn into a Denial of Justice?’ The Truth According to the TRC, in Amadiume, I & An-Maín, A. (eds). 2000. *The Politics of Memory*. Pretoria: HSRC. 176-83.

<sup>144</sup> Cf. Jeffery, A. 1999. *The Truth about the Truth Commission*. Johannesburg: South African Institute for Race Relations.

disappointments, futility, destroyed lives, destroyed families – the list goes on; this truth can never be told” (Smit, 1995:14).

The second contour is that of *narrative truth*. Phrases such as “meaning”, “healing potential”, “unique insights into pain”, and “touching hearts” are used to describe the activity of letting victims and perpetrators tell their truths (TRC Report Vol. 1, 1998:113). The narratives of victims and survivors, and of perpetrators, were performed at the HRVC hearings and at the AC. The telling of these narratives differed between these two committees, in their use of language and in their style. The opportunity of allowing for personal, narrative truths to be told, meant that those testifying had the opportunity to recover memory. This was to the benefit of those that had to endure suppression of painful memories, but also to the nation, which had to confront amnesia about decades of oppression. The TRC treated narrative truth as innately expressive of complexity, full of emotion, and affirmative of human dignity.

Through truth-telling it was possible for “the validation of the individual subjective experiences of people who had previously been silenced or voiceless”, and stories that form part of the “national memory” were uncovered (TRC Report Vol. 1, 1998:113). Both victims and perpetrators were offered the opportunity to tell the stories of the violations that they endured during the investigated period, thereby honoring an oral tradition.

Wilson believes that when it came to the production of knowledge, these narrative truths had “no epistemological status at all”, and victims’ testimonies at the public HRVC hearings were merely about recognizing other’s experiences (Wilson, 2001:41). Notwithstanding, the TRC Report’s observation should be taken seriously:

“In the (South) African context, where value continues to be attached to oral tradition, the process of storytelling was particularly important. Indeed, this aspect is a distinctive and unique feature of the legislation governing the Commission, setting it apart from the mandates of truth commissions elsewhere. The Act explicitly recognized the healing potential of telling stories. The stories told to the Commission were not presented as arguments or claims in a court of law. Rather, they provided unique insights into the pain of South Africa’s past, often touching the hearts of all that heard them” (TRC Report Vol. 1, 1998:112)



These were more than mere facts that were shared. They offered an opportunity for violations to be investigated by listening to the experiences told with a “poignant human voice”. These stories were received “publicly, with dignity” (Boraine, 2000b:154). Over 21 000 statements were taken – more than any other truth commission ever had. Despite this large number, the Report makes it clear that apartheid was a grim daily reality for every black South African. This creation of “narrative truth” gave voice to individual subjective experiences, restoring memory and humanity. There was also the collectivizing of this narrative truth, where individual narratives were brought into the wider narrative of national redemption. The recognition of these narratives furthermore contributed to the construction of a “new political identity, that of a ‘national victim’, a new South African self which included the dimensions of suffering and oppression” (Wilson, 2001:111). Whether this meant that truth was really ascribed to the narratives of the suffering and the poor, remains contested. The critique of the various limitations placed on the narratives shared by both victims and perpetrators has been noted by many scholars and is dealt with in this study. Notwithstanding, the importance of recognizing narrative truth is indispensable, as Krog explains: “It is said that we tell stories so that we do not die of truth. ... We listen to one another’s stories so that we share carrying the truth” (Krog *et al*, 2009:19).

The next contour of truth as defined retrospectively by the TRC Report is *social truth*. In the words of Albie Sachs, social truth is “the truth of experience that is established through interaction, discussion and debate” (TRC Report Vol. 1, 1998:113). It can therefore be distinguished from factual truth, especially in the sense that it has to be ‘created’ through this interaction and dialogue. In addition to the official seven-volume report produced through the TRC, the radio, television and print media played a significant part in ensuring that the whole process of the TRC was transparent and widely accessible for the public, allowing for this interaction. This was also intended to educate and inform the public; a clear way of spreading truth-telling as widely as possible and ‘creating’ social truth. This social truth can also be viewed as social memory and collective public acknowledgement of the past. Political parties, public institutions and non-governmental organizations were encouraged to participate in establishing social truth. While the TRC has been praised for establishing the broader acknowledgement of apartheid as a crime against humanity, it has remained at a societal level, with little individual acknowledgement of participation in an unjust system. The need for this form of truth was very great, as Boraine notes:

“South Africans desperately needed to create a common memory that could be acknowledged by those who created and implemented the apartheid system, by those who fought against it, and by the many more who were in the middle and claimed not to know what was happening in their country” (Boraine, 2000b:153).

The Report also acknowledges that the transparency and participatory nature of the Commission allowed for the creation of this truth. It recognizes the value of the process of arriving at this truth, which allows for the restoration of human dignity.

This social approach to truth was able to integrate people’s narratives, myths and experiences, according to Wilson, who writes: “This was important for the hegemonic project of the TRC in a transitional South Africa: by not being hemmed in by legal protocol, the TRC could be more effective than the courts in capturing social truths and implanting popular narratives within its own framing of truth, reconciliation and nation-building” (Wilson, 2001:110). However, it is worth acknowledging the point that “the documentation and interpretation of social truth is more complicated and ambiguous than many analysts and proponents of truth commissions assume” (Chapman & van der Merwe, 2008:3). The obvious absence of white people from most of the hearings, and the framing of the TRC through media consumed by whites, raises the question of whether a national memory that included the stories of suffering really took hold as social truth.

The final contour is that of *restorative truth*. It captures the proposed healing dimension of focusing on truth, as former president Thabo Mbeki stated, “The only thing that will heal this country is large doses of Truth...” (Krog, 1999:87).

In a TRC press statement on 16 December 1995, Tutu stated “We will be engaging in what should be a corporate nationwide process of healing through contrition, confession and forgiveness. To be able to forgive one needs to know whom one is forgiving and why. That is why the truth is so central to this whole exercise” (Hamber, 2002:67). The Report defines its understanding of restorative truth as going beyond the subjective – objective divide and fulfilling a healing function; it is “the kind of truth that places facts and what they mean within the context of human relationships – both amongst citizens and between the state and its citizens” (TRC Report Vol. 1, 1998:114). The need for “national healing” was felt deeply, not merely after apartheid, but as Maluleke notes, after 300 years of oppression and dehumanization of black people, for both victims and perpetrators (1997b:324). The Report

states, “[the commissioners] have become more and more aware of just how deeply wounded we have all been; how wounded and broken we all are. Apartheid has affected us at a very deep level, more than we ever suspected” (TRC Report Vol. 1, 1998:22).

Healing and repairing of the past were made possible through acknowledgement and affirmation of the victim’s pain in order to restore their dignity. The HRVC hearings provided a space for an “emotional ‘catharsis’” for survivors (Wilson, 2001:110). This understanding of truth speaks to the restorative dimensions of truth-telling as an activity that acknowledges pain. The public acknowledgement of these survivors’ narrative is an “affirmation that a person’s pain is real and worthy of attention. It is thus central to the restoration of the dignity of victims” (TRC Report Vol. 1, 1998:114). The act of truth-telling contained a “healing power which transformed bitterness and revenge” (Wilson, 2001:110).<sup>145</sup>

The restorative truth also became evident for these survivors, amongst them family and relatives of those killed during apartheid, through the perpetrators’ truth-telling. They experienced consolation from getting to know the facts about what happened to their loved ones: “...witness after witness at the Human Rights Committee hearings emphasized their deep fundamental need to know the truth surrounding the loss of a loved one. ... In other words, knowing the details and circumstances of the human rights violation in itself is a part of the healing process” (Boraine, 2000b:150). Ignoring the past, and the truth about the past, would be to perpetuate victimhood. The restoration of victims needed this backward-looking truth that acknowledged. The Reparation and Rehabilitation Committee also sought restorative truth and addressed the need for healing and repair.

Attention should also be given to the critique that truth-telling can be experienced as re-wounding. This was experienced where painful memories were shared, with no proper resolve, or no adequate counseling. Similarly, the question remains contentious as to whether or not “a public airing of horrendous abuses, encouraging discourse on reconciliation and forgiveness

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<sup>145</sup> For a psychological perspective on the connection between disclosure and healing see Hamber, B. 2001. Does the Truth Heal? A Psychological Perspective on Political Strategies for Dealing with the Legacy of Political Violence, in N Biggar (ed). *Burying the Past: Making Peace and doing Justice after Civil Conflict*. Washington, DC: Georgetown University Press. 131–48. More research and debate on the healing and cathartic benefits of dealing with the legacies of human rights abuses through the TRC can be found in Lapsley, M. 1998. Confronting the Past and Creating the Future: The Redemptive Value of Truth-telling, *Social Research*, 65, 741–58; and Schwan, G. 1998. The “Healing” Value of Truth-telling: Chances and Social Conditions in a Secularized World, *Social Research*, 65, 25–40.

and developing an official historic narrative contribute to a shared memory and collective commitment to justice and a democratic society” (Van der Merwe & Sensabaugh, 2017:25). Did the public display of truth-telling leave exposed wounds, unable to be treated by the mechanisms of the TRC and its power? Did the acknowledgment of suffering and loss re-inflict old wounds?<sup>146</sup>

## Conclusion

*If the truth as we know it is not further explored, if our knowledge is not deepened through on-going dialogue, and if it is not embodied in the educational formation of post-apartheid generations, we will have missed a wonderful opportunity to further the case of national reconciliation*

(De Gruchy, 2002:163,164)

By drawing the contours of ascribing truth in South Africa’s TRC this section has started to explore the question of *how truth and truthfulness have been enacted in transitional justice in South Africa*. A primarily enactment has been shown to be the official political mandate of the TRC, including the implicit and explicit motivations underlying the public discourse on justice and reconciliation that gave rise to the legislation and the ultimate formation of the whole commission. It recognized the tension in a commission set up as an instrument of authoritative, objective truth, grappling with epistemological limits, while also facing ethical risks; a “genealogical conundrum” of truth-telling (Posel, 2008:127).

This has paid specific attention to *why* truth and truth-telling formed part of this mandate. These contours demonstrate how the tension between the political, social and legal demands of justice and reconciliation were centered on the TRC’s contentious and influential amnesty provisions.<sup>147</sup> Transitional justice is a developing field, and the contours of truth commissions have been shown to be complex.

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<sup>146</sup> Wilhelm Verwoerd cites the words by a young South African from a newspaper article from the *Sunday Independent* at the time of the TRC “The oppression was bad, but what is much worse, what makes me even more angry is that they are trying to dictate my forgiveness” (1999:305)

<sup>147</sup> Sachs describes how the immunity from civil claims was challenged in court, as some believed that it violated the constitutional right to have one’s disputes settled in a fair trial. The case in which Ismail Mahomed ruled on this (The Azapo case) is included in Sachs, A. 2009. *The Strange Alchemy of Life and Law*. New York: Oxford University Press. Herein, it is clear that the amnesty clause was intended to achieve objectives, “fundamental to

Some of the *effects* of how truth was ascribed have also been made clear. Truth became a key currency in the exchange for more justice and reconciliation. Moreover, the enactment and performance of reconciliation and justice discourses have themselves demonstrated the weight of truth-telling as an essential component of the TRC's moral trajectory.

The choice for a 'narrow' definition of human rights violations, and thereby also a limited mandate, reflects a moral and political choice for truth and justice in relation to *individual* victims and perpetrators, rather than social and systemic justice (Du Toit, 2005:438). This underscores a continuous observation in this study - that the conceptualization of truth, reconciliation, and justice implies a moral choice with political and social implications. Some critics of the TRC have framed this as a 'Truth versus Justice' dichotomy, with many claiming that the sacrifice of justice was made on the altar of truth.<sup>148</sup> Du Toit cautions oversimplification of this apparent moral tension by referring to the TRC's own retrospective four-fold conceptualization of truth.<sup>149</sup> He argues that nuance can be added to when and how emphasis was placed on truth or on justice, and that by looking at different stages in the TRC process, the ambiguity of the constitutive moral conception of the TRC becomes clear (2005:440). This development of stages or changes in emphasis in the conceptualization of truth, reconciliation and justice come to the fore in this chapter. I will deepen this chapter's reflections by expanding on *how* this mandate and the intentions of the TRC came to be constituted as truthfulness.

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the ethos of a new constitutional order," including factual truth for the those affected by injustices, relief from guilt and anxiety for perpetrators, and generally structuring a climate essential for reconciliation and reconstruction (Sachs, 2009:37).

<sup>148</sup> Cf. Rotberg, R. & Thompson, D. (eds.). 2000. *Truth v. Justice*. Princeton: Princeton University Press.

<sup>149</sup> Sachs offers his own four-fold division of how he understood the categories of truth that functioned in the TRC: observational truth, logical truth, experiential truth, and dialogic truth (2009:80 – 86). The first, *observational truth*, can be linked to factual truth – knowledge that can be identified, circumscribed, and verified and measured in a narrow scientific sense. *Logical truth*, according to Sachs, helps to orientate observed truths. It is the logic or impersonal framework implicit in a statement. This logical truth is inferred and deducted from understanding the language and worldview of one's source. *Experiential truth* is "the truth we are all exposed to by living through a particular experience"; what the Report calls 'social truth' but can also be likened to the Report's understanding of 'narrative truth' in its focus on personal experience. The report also classifies social truth as dialogue truth, but Sachs distinguishes '*dialogical truth*' as truth that "assumes and thrives on the notion of a community of many voices and multiple perspectives. The experiences of the victims, perpetrators, judges, and press are all therefore equally true" (2009:86).

## 2.3. Constituting Truthfulness for Justice: TRC Operations

*Justice can be forged in properly constituted processes of change; in this case truth-telling, in and of itself, constituted a form of justice. This lesson needs to be writ large in transitional justice handbooks: how things are done (processes) matters as much as more conventional objectives (outcomes)*

(Gready 2011:22)

### **Introduction: The TRC as Process**

The constituting of truthfulness took place in the TRC by creating a certain reality. The constructing and constituting of this reality are the focus of this chapter that looks to the operations of the TRC. This section will thus seek to answer how truth and truthfulness became a focus in the TRC by providing a brief historical-descriptive overview of its enactment. It will explore how the mandate set out in the previous chapter took form and tone in the different hearings of the TRC and expand on the effects of authorizing and legitimating certain truth-telling discourses as observed in the previous section. This chapter will therefore provide more details with regards to the functioning of the hermeneutics of the TRC process. These constituting judgments form the contours of the timeframe of the TRC, how it constituted power and conceptualized its subjects, the choice of commissioners and functioning of the TRC staff, the hearings that took place and the distinction between the three committees set up to achieve the mandate. It will also focus on how the TRC constituted truthfulness through the work of reporting and documenting the TRC process, and how Christianity played a role in the TRC.

### **Timeframe**

The TRC did not investigate apartheid as a total political system, but rather investigated the individual human rights violations within a specific timeframe. The period under investigation of the TRC started in 1960, the year of the Sharpeville protests against pass laws that signaled international action and led to the outlawing of the African National Congress (ANC) and the Pan Africanist Congress (PAC) and the declaration of a state of emergency. From 7 to 14 December of that year a World Council of Churches (WCC) delegation responded to the crisis

by meeting with the eight South African member churches at Cottesloe in Johannesburg.<sup>150</sup> 1960 did not only signal a new phase in the history of the South African church with the Cottesloe Consultation, but the events at Sharpeville definitely represented a turning point in African nationalism. Cries for stronger resistance and of revolution had begun and therefore this date is a significant historical marker. Significant black political organizations were banned, thus transforming them into liberation movements. The end date under investigation was initially set for December 1993, but was later changed to 10 May 1994, largely to include violent activities by right-wing Afrikaners just before the election in April 1994. This was the date that Nelson Mandela was inaugurated as the new President.

The 17 commissioners were appointed by the President, narrowed down from 200 nominations and a shortlist of forty-five, and gathered for the first time on 16 December 1995, a date of historical significance for the work of reconciliation in South Africa, now known as the Day of Reconciliation (Tutu, 1999:61).<sup>151</sup> The first hearings took place in East London in April 1996. The first draft of the TRC Report was handed to the President, Nelson Mandela in October 1998. The final report, Volume 6 and 7, was only completed in 2003 due to the outstanding work of the Amnesty Committee and the Reparations and Rehabilitation Committee. Indeed, the end of the work of the appointed commission and its staff did in no way mean an end to the mandate of reconciliation and justice.<sup>152</sup>

### **Power(s)**

The work of the TRC would have been very different had it not been an official state commission. Du Toit points out that this is significant in terms of how power functioned (2005:441). If the TRC was a civil society initiative, headed by either churches or human rights

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<sup>150</sup> Cf. Hewson, L.A. (ed.). 1961. *Cottesloe Consultation: The Report of the Consultation Among South African Member Churches of the World Council of Churches*. Johannesburg. For a copy of the Cottesloe Consultation, see *Cottesloe Consultation* [Online]. [n.d.]. Available: [https://kerkargief.co.za/doks/bely/DF\\_Cottesloe.pdf](https://kerkargief.co.za/doks/bely/DF_Cottesloe.pdf). [2017, May 20]. See also Van der Borgh, E. A. J. G. 2011. Unity that Sanctifies Diversity: Cottesloe Revisited. *Acta Theologica*, 31(2):315-328.

<sup>151</sup> 16 December, now a public holiday in South Africa, commemorates and celebrates South African history and serves as a reminder of the continuing work of reconciliation. It was previously known as Dingaan's Day (1910–1951), Day of the Covenant (1952–1979), and the Day of the Vow (1979–1994). It was previously a day marked off in the South African calendar to commemorate the Voortrekkers' covenant made between them and God on the eve of their battle against a Zulu army. It is telling that the day chosen to celebrate the Afrikaners' independence now serves the purpose of reconciliation, celebrating national unity.

<sup>152</sup> See the section, "The limited time frame of the Commission" (TRC Report Vol. 1, 1998:25-28).



organizations, it would have had a different role and status in relation to the state and to individual victims and perpetrators. If headed by civil society, it would have been able to take a stronger stance in speaking truth to power; particularly the power structures and truth-games established by the apartheid state. However, Du Toit points out that this would have stripped it of any mandate to speak truth or justice to the victims and perpetrators on behalf of the new democratic state (2005:441). It therefore had some legitimacy to acknowledge, officially, the suffering of victims. It carried political legitimacy, despite the fact that due to its transitional nature and fixed timeframe, it remained removed from any regular state department, with direct implications for the implementation of its recommendations and findings. Though it had limited power, it could also speak truth both on behalf of the new democratic state, as well as to the old and new state (Du Toit, 2005:441).

## Leadership

Hayner draws on various truth commissions' experience to demonstrate that a commission's interpretation of "truth" will also be determined by the personality and personal priorities of its leadership (Hayner, 2011:77). The group of seventeen TRC commissioners were "as diverse a group of South Africans as you could ever hope to assemble" (Tutu, 1999:65).<sup>153</sup> Apart from the diversity of this group, the TRC was strengthened by the international and widespread respect for the leadership behind the commission - both Nelson Mandela and Desmond Tutu were two influential global icons, and their weight behind the TRC inspired confidence. Maluleke highlights the moral stature of both Tutu and Mandela as leaders in this moral context, stating boldly that "if one were to remove them not only from the TRC process but from the larger South African compromise, there literally would have been no TRC to speak about" (2001:198). Maluleke acknowledges the "human factor" that this brought into the TRC process, and how it contributed to the global attention it received (2001:197). "Without the human spirit of the likes of Tutu and Mandela being infused into these structures, the structures would probably have collapsed under the intense criticism inspired by long-held mutual suspicions and painful memories ... The human factor was much more essential than is usually acknowledged" (2001:198). Maluleke, in a previous publication, issued a warning for

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<sup>153</sup> "We in the Commission have been a microcosm of our society, reflecting its alienation, suspicions and lack of trust in one another. Our earlier Commission meetings were very difficult and filled with tension. God has been good in helping us to grow closer together. Perhaps we are a sign of hope that, if people from often hostile backgrounds could grow closer together as we have done, then there is hope for South Africa, that we can become united. We have been called to be wounded healers" (TRC Report Vol. 1, 1998:22).

theologians and churches not to fall “under the spell” of the Mandela-Tutu leadership, and thereby relinquish their task of doing theology from below (1997b:339).

De Gruchy acknowledges the contribution of Tutu in the TRC enacting its mandate of reconciliation: “Even those who may challenge his interpretation of events, reject his faith claims, and remain skeptical of his optimism, cannot deny the integrity of his witness born out of the struggle for justice sustained by a profound spirituality” (2002:22). Tutu as “ritual performer” (Maluleke, 2001:198), indeed opened up the space needed for personal, healing and restorative truth to be performed. Alex Boraine was appointed as the deputy chairperson of the TRC and played a central role in the conception and establishment of the Commission.<sup>154</sup> In addition to these seventeen commissioners, the TRC had 350 staff members, and operated through four offices spread across the country with a limited budget (Krog, 2013:7).<sup>155</sup>

## Subjects

The language used to describe the subjects of the entire TRC process also plays a constituting role. While the predominant focus is on the binary language of victims and perpetrators, these categories have their shortcomings, not least how they sideline the involvement of other subjects.<sup>156</sup> “The process has the potential to reduce the rest of us into spectators in a play whose main actors are the “commissioners,” “victims” and “perpetrators,”” writes Maluleke (Maluleke, 1997b:338). TRC literature also frequently refers to two other groupings: beneficiaries and bystanders, with a variety of groupings within these. The immediate focus of the TRC was, according to Botman and Petersen, less on the perpetrator and more on the

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<sup>154</sup> His role has been praised widely, not least by the TRC Chairperson: “We made it very largely because of Dr Boraine” (TRC Report Vol. 1, 1998:21). Alex Boraine also served as the President of the Methodist Church of Southern Africa in 1970 before entering politics as a Member of Parliament for the Progressive Party in 1974. After resigning in 1986 he founded The Institute for Democratic Alternative in South Africa (IDASA) (later known as Institute for Democracy in South Africa), together with Frederik Van Zyl Slabbert. Before serving as a TRC Commissioner he headed two non-profit organizations concerned with ending apartheid and addressing its legacy. His 2000 publication, *A Country Unmasked*, also has become a cornerstone contribution to the story of the TRC. His telling is an “insider’s story”, a “many-faceted truth-telling” in which he also attempts to reflect on all four notions of truth, as stated in the Report, while acknowledging that “Truth requires a perpetual search and many others have contributed and will contribute to the overall truth of what has made South Africa what it is today” (Boraine, 2000:2).

<sup>155</sup> See the details on revenue in the Report (TRC Report Vol. 1, 1998:299-300).

<sup>156</sup> See the recent publication by Michael Rothberg, *The Implicated Subject: Beyond Victims and Perpetrators*, where he argues that the familiar categories of victim, perpetrator, and bystander do not adequately account for how subjects are connected to injustices past and present. He presents *the implicated subject* as a perspective on political responsibility (Rothberg, 2019).

“restoration of the humanity and dignity of the victim” (1996:11). However, as seen in the amnesty provision, truth-seeking was indeed geared towards the perpetrator. Amnesty therefore provided resolve for perpetrators, whereas the restitution and reparation for victims took much longer, if at all.

The TRC Report explains its use of the term ‘victim’ as referring to those that suffered directly as a result of a human rights violation, stating that “it is the intention and action of the perpetrator that creates the condition of being a victim” (TRC Report Vol. 1, 1998:59). Statements were received from 21 290 people, of whom more than 19 050 were found by the Commission to be victims of a gross violation of human rights. From the Amnesty process, another 2975 victims were identified (TRC Report Vol. 7, 2003:1). Despite these victims who were officially identified, many more endured suffering and the reality of suffering was inescapable for the majority of the country. The term ‘victim’ is problematic in the way that it could imply passivity, and therefore some would opt for survivors (where this term is applicable). The Act referred to victims, and therefore the Report stuck to this term for consistency (TRC Report Vol. 1, 1998:59). The term perpetrator was used for those committing gross human rights violations, as defined in the Act. The Report acknowledges how this did not allow for differentiation in the acts committed, including the motives, consequences or context of these acts.

Another obvious limitation in focusing only on official perpetrators and/or victims in Reporting on the TRC, is that it ignores not only the millions of bystanders that were affected, but also the minority of beneficiaries of apartheid. Determining who is included in this group is arguably very complex but cannot be ignored insofar as one perceives such a group liable to take responsibility for their benefit.<sup>157</sup> To speak of any group of victims, perpetrators, bystanders or beneficiaries as a single identity group would be misleading and insensitive. However, observations about racial identity made by De Gruchy (and others) are historically

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<sup>157</sup> One initiative taken for those that did not fall into the categories set by the TRC but wanted to express their commitment to reconciliation was the Reconciliation Register. On the website of the TRC it is explained by Mary Burton as follows: “The register has been established in response to a deep wish for reconciliation in the hearts of many South Africans -- people who did not perhaps commit gross violations of human rights but nevertheless wish to indicate their regret for failures in the past to do all they could have done to prevent such violations; people who want to demonstrate in some symbolic way their commitment to a new kind of future in which human rights abuses will not take place”. See *Truth and Reconciliation Commission* [Online]. [n.d.]. Available: <http://www.justice.gov.za/trc/ror/index.htm>.

verifiable: “The truth is that if the majority of whites were not perpetrators in any direct sense, we were all beneficiaries. ... To get at such truth so deeply suppressed in the white consciousness would have required that the TRC probe the collective psyche like some Jungian analyst writ large” (De Gruchy, 2002:157). It is also true that little of the testimonies presented at the hearings were from whites: “...while most white South Africans remain strongly committed to one or another faith tradition, they have made their presence felt at the TRC hearings largely by their absence” (De Gruchy *et al*, 1999:6).

The processes of the TRC that allowed official classification of victims and perpetrators had its limitations. In their book, *There Was This Goat*, Antjie Krog, Nosisi Mpolweni and Kopano Ratele investigate Mrs Notrose Nobomvu Konile’s testimony at the TRC (Krog, Mpolweni, Ratele, 2009). The authors explore the way the TRC disregarded Mrs Konile’s testimony about her son’s murder because they did not see it as a clear and straightforward narrative of victimhood.<sup>158</sup> This was due to a set victim narrative structure that was employed, requiring the victim to offer biographical details, the events of violation, and thereafter the desires and needs of the victim would be established.<sup>159</sup> This case demonstrates the challenges that the TRC faced in setting criteria for classifying and weighing testimonies, and thereby constituting the involved subjects. It also draws attention to the issues of gender justice in the TRC.<sup>160</sup>

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<sup>158</sup> See two other important publications by black women on this issue: Kobe, S.L., 2017, ‘The Truth and Reconciliation Commission and gender: The Testimony of Mrs Konile revisited’, *HTS Teologiese Studies/Theological Studies* 73(3), a4572. DOI:10.4102/hts.v73i3.4572. Kobe writes, “We need Mrs Konile’s testimony because when she presented her own personal suffering at the TRC, she made invisible testimonies visible at the TRC. By telling her own experiences and suffering, she enabled women to stake their historical claims in South Africa” (2017:7). Cf. Gobodo-Madikizela, P. 2005. *Women’s contributions to South African Truth and Reconciliation Commission*. Cambridge: Hunt Alternatives Fund. For another publication on women in the TRC, see the ethnographic research of anthropologist Fiona Ross in Ross, F.C. 2003. *Bearing Witness: Women and the Truth and Reconciliation Commission in South Africa*. London: Pluto Press.

<sup>159</sup> Kobe writes, “Mrs Konile was so alienated by the TRC processes that she was not able to speak to the processes and the processes were not able to get through to her. Mrs Konile’s interventions, her experiences, her disposition, her orientation and her worldview exposed the weaknesses of the TRC testimony model at least for her and for others such as Mrs Hani who also refused to forgive perpetrators” (Kobe, 2017: 3).

<sup>160</sup> In *Country of my Skull*, Krog reflects on the voices of the many black women who became the “first narrative” in the opening months of the TRC. She writes, “She is sitting behind a microphone, dressed in beret or *kopdoek* and her Sunday best. Everybody recognizes her. Truth has become a Woman. Her voice, distorted behind her rough hand, has undermined Man as the source of truth. And yet. Nobody knows her. The truth and the illusion of truth as we have never known them” (Krog, 1999: 84).

## Committees

A normative protocol was built into each of the hearings, thereby creating a “legitimate way of truth-telling for that particular hearing” (Shore, 2009:85). The different hearing allowed for different scripts of truth-telling, as Posel observes: ^

“The theatre of these public hearings produced – necessitated – very different genres of truth-telling from those of the more scientific efforts at fact-finding. The hearings gave space for many people to tell their own stories, versions of events that often conflicted with others told in the same forum or which, on closer inspection, were internally inconsistent. Yet none of this seemed to detract from the truth-telling” (Posel, 2004:17).

The live performances, particularly at the HRVC hearings, gave a voice to those who had for the most part been excluded from official documents and discourse. Most of the stories told at the hearings seemed unmediated, but in reality, these testimonies were filtered through these protocols and the process that took place in selecting those who participated, including statement taking. In some sense, the hearings were ‘scripted’.<sup>161</sup> Despite this, there was an authenticity and rawness in those that told their truth before the commission that deeply affected everyone and that made the work of the media incredibly challenging and important. Sachs comments on the value of the publicity that the hearings had: “The tears, the voices, the stiffness, the cries of sorrow, were all unmistakably recognizable. A vast and intense drama was enacted in front of the eyes of millions of viewers and readers. People asked themselves what they had done or not done, and what they should have done in the circumstances” (Sachs 2009:80). Besides this publicity, other suggestions have been made to broaden the impact and reach of the TRC. There have been suggestions that a separate committee on reconciliation would have served the mandate more effectively (Verwoerd, 2000:156). Nevertheless, the following section highlights the workings of each of the three committees set up to achieve the mandate.

The *Human Rights Violations Committee* (HRVC) hearings were victim-centered, giving voice primarily to personal, narrative truth. “[T]he primary purpose was to give people who had been silenced for so long the opportunity of telling their story in a sympathetic setting which

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<sup>161</sup> For a study on *Managing Truth in the Everyday Work of the South African Truth and Reconciliation Commission* see the chapter by Buur in which he demonstrates the complexity of using narratives to fit with the protocol of the TRC (Buur, 2002).

was victim-friendly, as required by the Act, to help to rehabilitate the civil and human dignity of the victim giving witness, as enjoined by the Act” according to Desmond Tutu (Du Toit, 1998:3). The five hearings that formed part of the Human Rights Violations Committee included the Victims Hearings, Event Hearings, Special Hearings, Institutional Hearings, and Political Party Hearings.<sup>162</sup> 21 290 statements were received, of which roughly 2000 people were selected to tell their stories publicly. Where testimonies were encouraged by amnesty in the AC hearings, the HRVC held out possible reparation as recompense. Once identified, victims were referred to the Reparation and Rehabilitation Committee. Shore remarks how the HRVC hearings broke ground that “no other truth commission or transitional process had dared to disturb; that is, they sanctioned Christian discourse as a legitimate mode of truth-telling that had both personal and political meaning” (2009:101). The full report of the HRVC is contained in the TRC Report Volume 6, Section Four (TRC Report Vol. 6, 2003:512-588).

The *Amnesty Committee* (AC) was unique in its quasi-judicial power of granting amnesty, unlike other similar international counterparts. 7116 applications were received, of which 1167 were accepted and 5505 (77,3 per cent) rejected (Krog, 2003:117). To date, only a handful have been reviewed by the High Court, and only a few prosecutions were made from the 800

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<sup>162</sup> The *Event Hearings* included the following events: the 1976 Soweto student uprising; the 1986 Alexandra six-day war that followed attacks on councilors; the KwaNdebele/Moutse homeland incorporation conflict; the killing of farmers in the former Transvaal; the 1985 Trojan Horse ambush by the security forces in the Western Cape; the 1986 killing of the ‘Gugulethu Seven’, following security force infiltration of African National Congress (ANC) structures in the Western Cape; the 1990 Seven-Days War, resulting from IFP-ANC clashes in the Pietermaritzburg area; the Caprivi Trainees, who were trained by the South African Defence Force (SADF) and deployed in KwaZulu-Natal as a covert paramilitary force in 1986; the 1960 Pondoland Rebellion, in response to the imposition of the Bantu Authorities Act which prepared the way for the independent homelands; the 1992 Bisho Massacre, in response to an ANC national campaign for free political activity in the homelands. (TRC Report Vol. 1, 1998:147, 148).

*Special Hearings*, that sought to identify patterns of abuse experienced by individuals and groups, were held for children and youth; women and; compulsory national service (conscription) (TRC Report Vol. 1, 1998:148).

*Institutional hearings* were held for the following sectors: health sector hearings; legal hearings; media hearings; business hearings; prison hearings; faith communities hearings (TRC Report Vol. 1, 1998:149). The institutional hearings had the potential to address many of the widespread social dimensions that affected the country and bring the systems and institutions to account, which many believe did not go far enough in correcting the dispossession of the past. However, a “narrow, individualistic and legalistic” view of the injustices of apartheid resulted in a lack of acknowledgement of the systemic dispossession of land and livelihoods of entire race groups (Wilson, 2001:35). “The TRC hearings only presented a sequence of individualized victims, as opposed to a richly complex and layered history of a state of war” (Wilson, 2001:50).



cases that were forwarded to the National Prosecuting Authority.<sup>163</sup> Applicants had to testify under cross-examination and tell the truth in front of a panel of judges, detailing their involvement in politically motivated crimes. Its power of implementing amnesty was scrutinized and criticized, even challenged, in the Constitutional Court.<sup>164</sup> In order to qualify for amnesty, perpetrators had to make full disclosure of their politically motivated crimes. It focused on eliciting factual truth from perpetrators, which was verified according to the requirements set out in the Act.<sup>165</sup> Being truthful or bearing truthful witness was pigeonholed by the amnesty provisions, its juristic functioning, and the political mandate.

The AC only dissolved in May 2001 when its work was completed. This perpetrator-focused committee was devoid of religious (Christian) symbolic language, with the exception of victims telling their truth, thus reaffirming that religious discourse was a victim's discourse (Shore, 2009:76). These oral engagements and admittedly biased testimonies contributed to the larger picture of political violence in South Africa between 1960 and 1994. The quasi legal-judicial procedure taken by the AC hearings meant that truth-telling was factual and legal; shaped to fit into an adversarial, court of law-styled hearing (Shore, 2009:93). The more complex personal dimensions of their actions were sacrificed in favor of the political (Fullard & Rousseau, 2003:210).<sup>166</sup>

Apology was not a requirement in order to receive amnesty. Sachs recalls how most of the perpetrators offered a "rehearsed apology" as part of a prepared statement that was read as if they were in a court of law. "There is a huge generosity, particularly amongst African people,

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<sup>163</sup> Cf. Yates, A. 2018. *Justice Delayed: The TRC Recommendations 20 Years Later* [Online]. Available: <https://www.dailymaverick.co.za/article/2018-09-05-justice-delayed-the-trc-recommendations-20-years-later/> [2018, Sept 25].

<sup>164</sup> The Constitutional Court held: "The truth might not be told if these organisations or individuals were not given amnesty. Indeed, according to the Court, the Constitution itself might not have been negotiated had this amnesty not been provided for". See *Azanian Peoples Organisation (Azapo) And Others V The President Of The Republic Of South Africa* [Online]. [n.d.]. Available: <http://www.justice.gov.za/trc/legal/azaposum.htm>. [2016, October 8].

<sup>165</sup> See Promotion of National Unity and Reconciliation Act 34 of 1995 [Online]. [n.d.]. Available: <http://www.justice.gov.za/legislation/acts/1995-034.pdf>. [2019, January 19].

<sup>166</sup> Krog elaborates on this point by explaining how problematic the legal procedures followed by the three high court judges were. "Slowly, painstakingly, respectful of legal procedures, they set about their task – decent, honorable legal minds. In the meantime, the clock was ticking away – the TRC closed down, offices of the provinces shut down, money ran out, newshounds moved on, politics changed, victims and perpetrators died of cancer or old age. South Africa arrived in the new millennium with the AC still in daily session and government gladly postponing any decision on reparation 'until the final report of October 2001'" (Krog, 2003:119).



waiting to come out, but it can only express itself if there is a counterpart of openness and honesty of feelings on the part of the perpetrators” (Sachs, 2009:87). This type of confession was not typically displayed. The full report of the AC is contained in the TRC Report Volume 6, Section One (TRC Report Vol. 6, 2003:1-91).

Regarding the reparation, the Report states “Victims of human rights abuses have suffered a multiplicity of losses and therefore have the right to reparation. Without adequate reparation and rehabilitation measures, there can be no healing or reconciliation ... reparation is essential to counterbalance amnesty. The granting of amnesty denies victims the right to institute civil claims against perpetrators. The government should thus accept responsibility for reparation.” (TRC Report Vol. 5, 1998:170). This task became the responsibility of the *Reparation and Rehabilitation Committee* (RRC). The Reparation and Rehabilitation Policy proposed reparation and rehabilitation in five categories: urgent interim reparation, individual reparation grants, symbolic reparation, community rehabilitation and institutional reform. It recommended urgent interim reparation and individual reparation grants to those found by the Commission to be victims of gross violations of human rights (TRC Report Vol. 5). The RRC has received little attention and is perhaps the least publicized committee of the TRC. The RRC was tasked with making recommendations for reparation that the government was responsible for implementing and had no power to enforce these recommendations themselves. The responsibility for financial support to victims had to be disbursed from the President’s Fund (TRC Report Vol. 5, 1998:172). It was thus the hope for restoration and healing of the truth unearthed by the TRC that was taken up in this structure of the TRC. The full report of the RRC is contained in the TRC Report Volume 6, Section Two (TRC Report Vol. 6, 2003:92-165).

Shore raises the pertinent question, unanswered by TRC leaders such as Tutu or Boraine or by scholars of religious conflict resolution: ‘how does the religious, Christian narrative version of truth-telling that was present at the HRVC hearings, and was the symbolic language of the victims, translate into financial reparations? (Shore, 2009:104).

Due to infighting in the committee and controversy surrounding individual reparations, the RRC tended to focus more on symbolic or collective reparations, such as the building of monuments, issuing death certificates, organizing of ceremonial reburials and the renaming of streets, schools and buildings (Krog, 2013:9). Some still believe that not enough was done on

this level (Sachs, 2009:77). Some payments have been made to victims (17,408 people received reparations in the form of monetary payment from the government), but groups such as the Khulumani Support Group continue to lobby for reparations.<sup>167</sup>

### **The Official Report**

While the TRC Report had to make findings, these were neither legal verdicts nor scientific studies, “At worst, the assumption that an official commission may authoritatively determine what will count as truth, and moreover do so in the name of justice, raises the Orwellian specter of the Truth Commission as totalitarian instrument” (Du Toit, 2005:445). The South African TRC managed to avoid this. Du Toit notes that a feature of the report is that it is “disarmingly frank and humble about its own limitations and shortcomings” (Du Toit, 2005:445).

Priscilla Hayner evaluates that it is the information management system of a truth commission that will affect the kind of truth that will be documented most fundamentally; this was confirmed in the case of the South African TRC (Hayner, 2011:80). The Report indicates seven major steps that were involved in the Commission’s ‘information flow’ that allowed information to be captured, processed and corroborated according to a uniform methodology: statement-taking, registration, data processing, data capture, corroboration, regional ‘pre-findings’ and national findings (TRC Report Vol. 1, 1998:140). The Information Management System (Infocomm) was based on logical positivism and quantitative statistical methods. These facts were collected by five types of hearings held by the HRVC: victims’ hearings, event hearings, special hearings, institutional hearings, and political party hearings. The Investigation Unit was responsible for verifying and corroborating statements and logistic activities for the HRVC and AC, for strategic investigations into themes, patterns and trends of human rights abuse, and also for ‘section 29’ (in terms of the Act) hearings – special hearings. The Research Department did the analysis and contextualization of the data collected, creating regional chronologies of human rights abuses, and fifteen strategic research themes (TRC Report Vol. 1, 1998:152). Many have observed that the TRC Report does not have an overarching and unified historical narrative that links the various parts together. Deborah Posel explains the overarching structure or narrative of the Report by stating that it “reads less as a history, more

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<sup>167</sup> According to their website, “The mission of Khulumani is to build an inclusive and just society in which the dignity of people harmed by apartheid is restored through the process of transforming victims into victors”. See *Khulumani Support Group* [Online]. [n.d.]. Available: [www.Khulumani.net](http://www.Khulumani.net). [2018, Sept 5].

as a moral narrative” (Posel, 2002:147). Wilson describes it as a moral narrative “dedicated to national reconciliation” (Wilson, 2001:54). This moral narrative is about acts of wrongdoing across the political spectrum that all have the moral conviction of apartheid as evil as the backdrop. Wilson explains that this approach did not require in-depth explanations of the social conditions, or the authoring of apartheid’s historical and sociological dimension. He contends that this moral understanding is what gave support to the overarching project of nation-building, claiming that “... South Africans are not united by a shared political understanding of apartheid, but by their shared moral denunciation of wrong acts” (2001:55). Wilson places the depiction of the TRC as the institution that “forcefully articulated a moral position” alongside legal and political dimensions of the transition, highlighting how interrelated these aspects are. He argues that a moral response is necessary for a moral context in which “democratic constitutionalism” can function; that “procedural fairness” alone would not be suited to the South African justice system (2001:56).

The task of identifying the broader patterns was achieved by taking a “social scientist’s approach” (TRC Report Vol. 1, 1998:111). Because the conceptual framework was defined retrospectively and arose out of the hearings and research, as opposed to informing them, Gready criticizes this approach by stating: “Put simply, this is bad social science” (2011:2). The report acknowledges its limitations in this regard, quoting Michael Ignatieff who confesses this restriction by declaring that truth commissions can only “reduce the number of lies that can be circulated unchallenged in public discourse” (TRC Report Vol. 1, 1998:111). Some of these ‘lies’ proved easier to dismiss than others, and there are those that continue to be circulated, as reports such as the yearly South African Reconciliation Barometer (SARB) conducted by the Institute for Justice and Reconciliation (IJR) demonstrates.<sup>168</sup> The implication of these practices was that the “existential truths contained within complex narratives” were lost (Wilson, 2001:47). There is, according to Wilson, little or no “critical epistemological reflection” in the Report to at least acknowledge the implications of this choice. Personal narratives and experiences of truth-telling were limited by the need to extract statistics and findings from them, leaving some victims dissatisfied. The reality was that these testimonies were “...jumbled, elliptical. They were partial and fragmented, not magisterial. They were full

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<sup>168</sup> For yearly reports since 2004 until 2019, see *Institute for Justice and Reconciliation* [Online]. [n.d.]. Available: [www.ijr.org.za](http://www.ijr.org.za). [2018, September 9]. Cf. a compilation of reflections on ten years of public opinion data collected by the South African Reconciliation Barometer: Lefko-Everett, K. Govender, R. Foster, D. (eds.) 2017. *Rethinking Reconciliation. Evidence from South Africa*. Cape Town: HSRC Press.

of interpretation and enmeshed in lived memory” (Wilson, 2001:49). Wilson furthermore draws attention to the reality that the social dynamics – the relationships between victims and perpetrators, amongst family, and community networks – of many of the victims are central to their narratives. Despite these relational views, the data processing made little room for these contexts and the “local power relations” they form part of; “rules over relationships” depoliticize narratives, according to Wilson. The context and conditions under which the commission had to work give partial explanation to this choice of method of reporting on truth. The political pressure of the opposition parties to the ANC also exerted influence on the reporting methodology of the Commission, pushing it toward this more positivist route (Wilson, 2001:39). The reporting also used “muscular, hard-hitting” language such as ‘protocol’, ‘captured’ and ‘structured’ (2001:39). Therefore, the truth-finding mandate was enacted by both policy decisions on truth-making, and what Wilson has termed the “invisible technologies of bureaucratic truth production”, which refers to the method of documenting human rights violations (2001:33).<sup>169</sup>

There was a change in the public hearings when Committee members of the HRVC decided that they were not conducive to making findings. There was a new legalism that characterized the proceedings as the Commission was under pressure to produce legal findings. The number of public hearings was scaled down. As a result, there was a change in the statement-takers’ training; expansion and redeployment also took place. This change further demonstrates the shift that took place to a greater emphasis on forensic truth.<sup>170</sup> Initially, statement-takers took a more pastoral approach in collecting stories, listening to stories for hours. They often did not include ‘facts’ in their reports, but rather captured the deponent’s narrative holistically. When the “information crisis” arose, it gave rise to a new strategy. Another 400 statement-takers were trained and added to the initial group of 40 (not counting the extra volunteers who were mostly

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<sup>169</sup> Hayner raises valuable questions on information collection models: “Could a commission document the truth without taking thousands upon thousands of detailed testimonies? Might a commission focus on the sociological, physical, and even psychological effects and tools of repression that fall outside of gross human rights violations, perhaps through a number of case studies on the broader impact of the repression?” There have been examples of qualitative research, such as the Recovery of Historical Memory Project (REMHI), undertaken by the Human Rights Office of the Archbishop of Guatemala in advance of the official truth commission in Guatemala (Hayner, 2011:82,83).

<sup>170</sup> The Report explains that it drew its method of quantitative analysis of human rights violations data from two other truth commissions – the Haitian National Commission for Truth and Justice and the United Nations Commission for Truth in El Salvador. At the time these were the only two truth commissions that had previously analysis on the scale of the TRC (TRC Report Vol. 1, 1998:160).

from churches in the communities). They were trained to be more akin to “efficient para-legal clerks”, who now used set checklists with no room for the “inter-subjective construction of a narrative”. This new positivist approach meant that some deponents did not get to tell their narrative to the satisfaction of their own expectations, but had to be subject to the system which sought factual information (Wilson, 2001:42, 43, 44).

The information in the Report has been said to be disassociated and fragmented, particularly because of the lack of coherence between the four types of truth. The statistics were drawn from the information management system, whereas the testimonies came from hearings transcripts that were not included in the system (Wilson, 2001:52).

“In the *Report*, victims’ voices were limited to extracts from public hearings and their statements were never quoted. Thus subjectivity was contained and controlled; it had a photogenic emotive impact, but it was not incorporated in a way that contributed to knowledge about the past. Subjectivity had no epistemological status, but came into the *Report* as a flavoring, as a spice to give an idea of the testimonial character of the hearings” (Wilson, 2001:52).

Haron offers valuable perspective through his assessment of who the ‘producers of knowledge’ are that have been involved in researching the TRC, noting the disproportionate number of white scholars from ‘historically white universities’ that have been the major authors of works engaging with the TRC (Haron, 2013:96). The testimonies were also captured by translators in English, which resulted in information and nuance being lost, and some facts being distorted in the process (Krog, 2015:206).<sup>171</sup> Cole notes that few studies have returned to the archives, citing the challenges of accessing the National Archives as a researcher. Analysis of testimonies in their original language could still provide new insight (Cole, 2010:168).<sup>172</sup>

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<sup>171</sup> Also see Bock, Z., Mazwi, N., Metula, S., Mpolweni-Zantsi, N., 2006. An Analysis of What Has Been ‘Lost’ in the Interpretation and Transcription Process of Selected TRC Testimonies, in *Stellenbosch Papers in Linguistics PLUS*, 33: 1-26. and Bock, Z. & Mpolweni-Zantsi, N. 2006. Translation and Interpretation, in C. Villa-Vicencio & F. Du Toit (eds). *Truth and Reconciliation in South Africa: Ten Years On*. Cape Town: New Africa Books. 103-109.

<sup>172</sup> For important work on archiving that serves memory see *On the Archive: Archiving Otherwise*, in Vosloo, R.R. 2017. *Reforming Memory. Essays on South African Church and Theological History*. Stellenbosch: Sun Media. See also the work of Verne Harris in which he offers a collection of essays written between 1995 and 2005 that attempt to express the maxim “memory for justice”. Both Harris and Vosloo draw on Derrida and the archive

Sachs also comments on the report, noting that it had to serve one of the main objectives of the Commission – “not simply to allow the pain to come out, but to explain the conditions that permitted gross injustice to flourish so as to ensure that these things do not happen again” (2009:75). Therefore, he commends it for not being a “dry governmental report, but a passionate memorial that resonates with the emotion of the hearings themselves” (Sachs, 2009:75).<sup>173</sup>

## Religion

The role of religion, and Christianity in particular, in the entire TRC including its mandate, enactment, and the public discourse it generated, needs critical evaluation in order to deepen theological reflection on the TRC. Not only can Christianity’s role in the South African case be a source for theological reflection, but its reception and influence on the broader field of transitional justice is also worth mentioning. There is thus the real opportunity for mutual reflection and knowledge-sharing between theology and transitional justice. Of course, this relationship has a complex history, expressed in various inter- and transdisciplinary formulations reflecting on church and state, religion and law. A distinction is also warranted between religious studies and Christian theology.<sup>174</sup> Scholars of religion and transitional justice tend to pose questions such as, “Can religion really be an irenic force?” (Philpott, 2012:8). It is unmissable to relate conflict with religion, and more obviously as the source of the conflict,

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to speak to the task of remembering and to memory, Cf. Harris, V. 2007. *Archives and Justice. A South African Perspective*. Chicago: Society of American Archivists.

<sup>173</sup> See the reflection by researchers Villa-Vicencio and Verwoerd (who wrote the Final Report of the TRC) on *Writing up the ‘Truth’* (Villa-Vicencio & Verwoerd, 2000b). “The understanding of the report as a ‘road map’ reflects the close link between process and product in the case of the TRC. The commission sought, however imperfectly, to implement and manage an inclusive, accessible, and transparent process in order to facilitate a pluralistic public account, generated by diverse individuals “telling their own stories” and a variety of individuals and institutions making submissions. The alternative would have been a more typical, ‘elitist’ commission of experts attempting to produce an authoritative version of ‘truth’” (Villa-Vicencio & Verwoerd, 2000b:289).

<sup>174</sup> For an explanation between these two, see *Christian Dogmatics: An Introduction* (Van der Brink & Van der Kooi, 2017). The authors use the terms participatory and non-participatory to make a distinction between theology and religious studies respectively. The former presupposes a faith perspective, as “reflecting on God” or “thinking about faith” with its own methods and mandate (2017:2; 5). The latter observes religion, usually in separate programs that could be grouped with other social sciences or the humanities. They are, however, in need of one another, and one should not “overemphasize the differences between theology and religious studies, however real they may be” (2017:5).



rather than the solution.<sup>175</sup> Historically, the dominant view among ‘international conflict resolution theorists’ has been that organized religion is primarily, if not essentially, an instigator of violence (Shore, 2009:1). However, this notion has been substantially challenged; a growing number of scholars, including recent popular literature, has offered constructive approaches to religion and conflict.<sup>176</sup> Moreover, understanding the relationship between Christian theology and transitional justice would also have to go further than a mere sociological or praxis orientated approach, and look to the content of theological beliefs. While further explicit theological analyses of the South African TRC are covered in subsequent sections (particularly Chapter 3), it is worth outlining some of the widely acknowledged religious dimensions that existed in the TRC and how they relate to Christian theology.

The influence of Christianity, understood as Christian beliefs, sources, and practices, exercised in both an individual and institutional capacity, is widely acknowledged in reflections on the TRC. Moosa speaks of the “Christocentric features of the TRC” (2000:114). At least six dimensions can be outlined: Firstly, in the role of the Christians who served as *commissioners*; Secondly, in the history of Christianity as ambivalent force during the apartheid regime and the general *social capital of churches* in South Africa as a ‘Christian country’; Thirdly, in the manner that religion is an acknowledged *prescriber of ethical norms*; Fourthly, the *Faith Communities Hearing* as part of the Institutional Hearings; Fifthly, the *practices* that reflected Christian expressions such as confession, prayer and giving testimony; Finally, the *language*

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<sup>175</sup> Archbishop Desmond Tutu also acknowledged the ambivalence of religion in the struggle for peace, when he stated in the opening to the Faith Communities Hearings: “It is almost trite to say that this country is possibly the most religious country, it certainly is a very religious country. Let me not be engaged in comparisons. Now that doesn't say a great deal because religion is not necessarily a good thing, not necessarily a bad thing. It can be a good or bad thing. It was, after all, German Christians who supported Hitler, but then it was also Christians in the confessing church who showed that wonderful resistance to the awfulness of Nazism. And we know that in this country we marched against the awfulness of Apartheid as members of the different faith communities: Jews, Muslims, Christians, Hindu and we were marching against a system that was buttressed by others who claimed to be Christian as well” (Cochrane *et al*, 1999:145).

<sup>176</sup> Some titles include: Appleby, R. S. 2000. *The Ambivalence of the Sacred: Religion, Violence and Reconciliation*. Lanham, MD: Rowman & Littlefield; Gopin, M. 2000. *Between Eden and Armageddon: The Future of World Religions, Violence and Peacemaking*. Oxford: Oxford University Press; Gopin, M. 2002. *Holy War, Holy Peace: How Religion Can Bring Peace to the Middle East*. Oxford: Oxford University Press; Johnston, D. & Sampson, C. (eds.) 1994. *Religion, the Missing Dimension of Statecraft*. Oxford: Oxford University Press; Johnston, D. (ed) 2003. *Faith-Based Diplomacy: Trumping Realpolitik*. Oxford: Oxford University Press. More popular works include, Sacks, J. 2015. *Not in God's Name: Confronting Religious Violence*. New York: Schocken Books. Armstrong, K. 2015. *Fields of Blood - Religion and the History of Violence*. London: Random House.



and its underlying *epistemology* that was under the influence of Christian theology. The TRC Report also highlights these influences (TRC Report Vol. 5, 1998:10).

Firstly, the role of the commissioners displayed Christian influence by their interpretation of the mandate and therefore practice of the TRC. While the majority (seven) of the 17 commissioners were from the legal sector, both the Chairperson and Vice-Chairperson were ordained Christian clergy, as well as two other commissioners. In terms of power relations, the fusion of church and state in the person of Tutu as Chairperson of the commission is significant. He seemed very comfortable in fulfilling his task as a religious leader, rather than merely a state official. “Most of us felt that what we were being asked to undertake was profoundly religious and spiritual. Very few people objected to the heavy spiritual, and indeed Christian, emphasis of the Commission” (Tutu, 1999:72). One could argue that he used the power given by the state to display, enforce and enact his theological convictions. The inverse could also be true. Some view him as drawing on the power he held as religious figure, to enact and enforce the mandates of the state, as a representative of the state (Cf. Meiring, 2000:75-79). His own testimony suggests that the former was true. About his own presence as a Christian, Tutu writes: “... I was a religious leader and had been chosen as who I was. I could not pretend I was someone else. I operated as who I was and that was accepted by the Commission. It meant that theological and religious insights and perspectives would inform much of what we did and how we did it” (Tutu, 1999:72,73). One of the major criticisms in this regard is how Tutu encouraged forgiveness, and even apology. This is evident in the treatment of Winnie Madikizela-Mandela when she appeared before the commission.

The second way Christianity stands in relation to the work of the TRC is its public heritage in South Africa. According to the 1996 census, 87 per cent of the population identified with the Christian tradition (Shore, 2009:60). This majority belonged to different traditions and was therefore comprised of a rich diversity of theological convictions. One way of analyzing this theological spectrum, is to understand how the different traditions and churches stood in relation to the politics of apartheid.<sup>177</sup> Notwithstanding, in order to understand the social capital of churches in South Africa, a useful distinction can be made between theology as an

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<sup>177</sup> Some publications offering more insight into the theological roots of churches in South Africa include *Reformed Churches in South Africa and the Struggle for Justice* (Plaatjies-Van Huffel & Vosloo, 2013), and *The Church struggle in South Africa. Twenty-fifth Anniversary Edition* (De Gruchy & De Gruchy, 2005).

ambivalent force before the political transition, and the actual theology employed in the transitional justice mechanism of the TRC. The latter cannot be analyzed without knowledge of the former. A range of different terms have been employed in the analyses of the relationship between theology and the public sphere in South Africa, including, ‘Civil Religion’, ‘Public Theology’, and ‘Political Theology’.<sup>178</sup> Explicit theological analyses of the TRC are offered in the following chapter.

Although Christianity has historically (at least in the period under review) had the strongest representation amongst the South Africa population, it does not mean that it was the sole religious prescriber of ethical norms. Minority communities, including Islam or Judaism, expressed dismay over the Christian emphasis of the TRC. Insufficient representation of their faith community, and not being at ease with the Christian rituals were issues, but conceptual differences in forgiveness and reconciliation were also apparent (Shore, 2009:71). Others have also cautioned against the influence of religious convictions: “Crucially, it is important that the legal and political responses to apartheid-era violations do not get lost in the religious paradigm of moral denunciation” (Wilson, 2001:57). Shore’s observation regarding the impact and reach of Christian discourse highlights the need to scrutinize religious moral convictions and how they relate to the ideals of justice and reconciliation. Here again, Christian convictions of reconciliation and how it is related to material justice and reparations surface:

“The challenge is to translate a truth-telling narrative that incorporates, firstly, God providing meaning to suffering, and secondly, faith inspired forgiveness and reconciliation, into financial reparation. It is much easier for the legal-judicial version of truth-telling to translate into amnesty, as well as financial and political reparations, than it is for a religious-personal version of truth-telling” (Shore, 2009:102).

The fourth explicit dimension of religious involvement in the TRC process was the Faith Communities Hearings. Forty-one faith communities made written submissions or gave

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<sup>178</sup> Regarding ‘civil religion’, Smit remarks that “the notion is notoriously vague and ambiguous and can be used in many different ways”. It has been used by scholars in the past to describe the relationship between religion and culture in South Africa, but has been largely replaced (Smit, 2007e:106 -108). On understanding Christianity as a ‘civil religion’, see Moodie, D. 1975. *The rise of Afrikanerdom: Power, apartheid and the Afrikaner civil religion*. San Francisco: University of California Press; De Gruchy, J.W. 1977. English-speaking South Africans and civil religion. *Journal of Theology for Southern Africa*, (19). 45-58; Bosch, D.J. 1984. The roots and fruits of Afrikaner civil religion, in J.W. Hofmeyr & W.S. Vorster (eds.). *New Faces of Africa. Essays in honour of Ben Marais*. Pretoria: UNISA. 14-35; Smit, D.J. 2007. Civil Religion – in South Africa?, in D.J. Smit. *Essays in Public Theology: Collected Essays 1*. Stellenbosch: Sun Press. 101-124.

representations at the hearings, grouped by the Report as African Traditional Religion, Christian churches, Islam, Judaism, Hinduism, Buddhism, and Baha'i Faith. For three days, the Faith Community Hearings were held in East London in November 1997. These hearings were substantially guided by The Research Institute on Christianity in South Africa (RICSAs) at the University of Cape Town. RICSAs compiled a substantial report from over one thousand pages of submissions and oral testimonies, of which an abridged version appears as part of the Report. The sentiment that these hearings, and these reports, were merely a beginning for the deeper processes of forgiveness, confession, repentance, reparation and reconciliation is stressed in the publication *Facing the Truth: South African faith communities and the Truth & Reconciliation Commission* that reproduced the RICSAs report (Cochrane, De Gruchy & Martin, 1999:6).

Commenting on the legacy of the TRC, the editors of *Facing the Truth* raise “the difficult question of determining what ‘truth’ is, especially as linked to the notion of painting as complete a picture of the past as possible” (Cochrane *et al*, 1999:7). This question is unpacked in the witness of the faith communities. The editors state that determining this truth was not straightforward due to the plurality of perspectives from various communities. Moreover, records were either missing or obscured, verification was complicated, and truth-telling in the forensic, juridical mode has its limits (Cochrane *et al*, 1999:7). They also stress the need for truthfulness, for integrity, that holds everyone to account for how they engage with their truth. They write,

“Perhaps the TRC drives us towards an acknowledgement that truth is above all a dialogical process to which we must commit ourselves, a process involving a multifaceted, always incomplete work of (re)construction. Truth is something, ironically, that we will have to build on the back of lies, of untruth and deceit” (Cochrane *et al*, 1999:7).

Faith communities, and therefore Christian churches, were divided into three groupings: as *agents*, *victims* and *opponents* of oppression (Cochrane *et al*, 1999:32).<sup>179</sup> The RICSAs report

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<sup>179</sup> The RICSAs report as well as the official TRC Report acknowledge that these groupings were also found within local or individual communities, or denominations. The TRC Report notes that “local churches and similar communities contained victims, beneficiaries and perpetrators of apartheid. Reconciliation within such communities could have a leavening effect for the whole society. From them should flow a source of renewal extending to the entire South African society” (TRC Report Vol. 4, 1998:59).

stresses the actions of *agents* as acts of both *commission* and legitimization on the one hand and acts of *omission* on the other. The former included direct support of apartheid, complicity and participation in state structures, active suppression of dissidents within their ranks, practicing religious apartheid in their church structures, propagating ‘state theology’, and bias toward the rich and powerful (1999:36-40). The role of *agents* as acts of *omission* included avoiding responsibility, lacking courage, failure to translate resolutions into action, failure to support members involved in anti-apartheid activities, and wrongly understanding their own heritage or faith tradition (Cochrane *et al*, 1999:41-43). The actions of Faith Communities against *victims* included direct attacks by the state on members and organizations, closure of buildings, schools and institutions, repression and abuse of religious values and laws, manipulation by state propaganda, and victimization by other faith communities (Cochrane *et al*, 1999:43-48). Lastly, acts of *opponents* included official statements and resolutions, petitions, letters and private appeals, civil disobedience, solidarity with liberation movements, advocacy of sanctions, a voice for the voiceless, and other ways of opposing oppression (Cochrane *et al*, 1999:48-57).

The communities’ responses came from a letter sent to them that posed various questions on their involvement in gross human rights violations (Cochrane *et al*, 1999:34). The RICSA report highlights some general observations. There was an almost unanimous acknowledgment and apology for either acts of omission or commission of abuses. However, active complicity in human rights abuses was absent from all the apologies offered (Cochrane *et al*, 1999:35). Significantly, the report claims that “No group confessed to having actively supported or being complicit in the policies of apartheid as they were actually implemented by the state” (Cochrane *et al*, 1999:35).

On 8 and 9 October 2014, a consultation was held to revisit the commitments and recommendations made by faith communities in the TRC hearings of 1997. In the spirit of 20 years of democracy, the faith communities were invited to discuss their role in South Africa today. This gathering, with Emeritus Archbishop Desmond Tutu as co-chair, was presented by the Beyers Naudé Centre for Public Theology (Stellenbosch University) in collaboration with the Desmond & Leah Tutu Legacy Foundation. The submissions that were received most favorably by the audience were those not characterized by strategies of self-justification and rationalization, but by humility and vulnerability. This was seen in the language and practice of confession offered in the submission by a member of the Nederduitsch Hervormde Kerk van

Afrika by Rev. E.G. Fourie, who openly and frankly spoke about the shortcomings of his church, not only during apartheid, but also in the 20 years that followed. Fourie confessed in his own capacity, as his church did not make an official submission. His contribution was followed by an embrace from Tutu and a standing ovation from the attendees.

Fifthly, concerning the practices during the TRC hearings, it can be noted that the prayers, the hymns, the candles, and the purple robe of the Archbishop were elements brought in on purpose, in order to create a ceremonial, religious atmosphere. The Report states:

“All the hearings were to have a ceremonial aspect: the chairperson’s opening remarks were often preceded by prayer, by the lighting of a memorial candle, by hymns or songs. When Archbishop Tutu presided, he wore his purple robes, lending his own special presence to the occasion. This religious aspect of the hearings was sometimes criticized, especially for its mainly Christian focus. It became clear, however, that this was not inappropriate in a country where a considerable majority of the population is Christian ” (TRC Report Vol. 5, 1998:3).

Meiring recalls how at some point Tutu agreed to a secular tone but felt so uncomfortable that he opened and closed again with prayers (2000:114). The practices in the hearings were in close proximity to the Christian practices of confession, prayer, and testimony. De Gruchy observes that storytelling is the most appropriate genre for introducing the Christian understanding of reconciliation and that it was also the primary form of discourse at the TRC. “Truth in the biblical sense is communicated primarily through remembering and retelling past events in ways that relate to present issues and struggles” (2002:23). The Muslim scholar Ebrahim Moosa’s interpretation of the TRC as performance remains pertinent when considering its Christian dimension:

“More importantly, it [the TRC] played a cathartic role for most of the time in the life of the new-born nation. In this respect it must be viewed as an ‘event’ that prefigures other momentous events. Any event of this magnitude is actually a performance. A performance is when the actors have already configured the purpose of the play and there is hope that other participants and viewers will also understand its message. World history, especially sacred history, has a long record of narratives of performance: the genesis story, Abraham’s sacrifice of this son and the crucifixion of Jesus” (Moosa, 2000:114).

Voices such as Jakes Gerwel, former Director-General in the Office of the State President, can be noted for warning against misrepresentation of the TRC as a religious ceremony. “Rather

than a search for the holy grail of spiritual reconciliation, it should be appreciated as a secular pact, a political agreement, confirming ideals of national unity that have a political history as far back as 1910” (Gerwel, 2000:281).

Finally, it can be noted that not only were the proceedings filled with explicitly Christian ritual, but the accounts given at the hearings were frequently infused with Christian language. “The TRC ... sanctioned religious discourse as a legitimate mode of truth-telling that had both personal and political meaning” (Shore, 2009:90). Truth-telling was therefore linked to Christian discourse, which was encouraged and even prompted, especially by Tutu (Shore, 2009:86). Religious discourse was primarily a victim’s discourse (Shore, 2009:76). Shore captures this in a quote from Graybill: “Storytelling is central to many faiths and an integral part of African tradition. The narrative element has made the HRVC hearings compelling ... Encouraged to tell their stories of pain and suffering in their own way, victims routinely use overtly Christian terminology and Biblical allusions to describe what happened to them and how they dealt with their loss” (Shore, 2009:77). This discourse is believed to have invoked a Christian narrative of forgiveness and reconciliation.

This perspective on language includes the terminology and concepts employed in public discourse. Despite observations such as the following made by Tutu, the influence and primacy of Christian discourse in this discourse was not without resistance: “The President must have believed that our work would be profoundly spiritual. After all forgiveness, reconciliation and reparation were not the normal currency in political discourse. ... Forgiveness, confession and reconciliation were far more at home in the religious sphere” (Tutu, 1999:71). This is not to say that political and judicial notions such as truth, guilt, amnesty, justice, reconciliation and healing were equated to religious (Christian) notions.

Antjie Krog makes a valuable contribution to the conversation about the influence of Christianity, particularly in light of how a concept such as forgiveness was interpreted. Krog argues that an indigenous view, termed ‘interconnectedness-towards-wholeness’, is vital in making sense of the ontological and epistemological frameworks that can be accounted for, other than Christianity or a human rights culture. She promotes “...a more complex interpretation of the TRC process and testimonies instead of assuming that they were mainly or exclusively informed by Christianity or post-coloniality and therefore able to be usurped by a range of judgements and critiques” (Krog, 2015:217). She describes ‘interconnectedness-

towards-wholeness’ as a worldview in which there is “a mental and physical awareness that one can only ‘become’ who one is, or could be, through the fullness of that which is around one – both physical and metaphysical” (2013:196). This indigenous worldview provided a “cultural commonality” amongst the black community, both perpetrators and victims, where reconciliation and forgiveness are inseparable and mutually dependent (Krog, 2013:194, 195).<sup>180</sup>

## Conclusion

This section sought to answer how truth-telling became a focus in the TRC and how it constituted and authorized ‘legitimate’ truth-telling discourses. The TRC drew hermeneutical contours for truth and justice. While the previous section elaborated on the political and moral convictions, this section has looked to how these have been enacted by concrete choices that gave structure to its vision and the content of truth it produced. Its choices have revealed various constituting factors that translated in how it operated. Time, power, leadership, language, religion, and report writing are some of the major factors that have constituted what the TRC valued as truthfulness. These contours became concrete dealings with justice. The application of its constituting criteria (or restrictions), especially in its process of documentation, added to an emphasis on describing particular events or experiences that could be located in time and place, thereby emphasizing the factual component to the truth that was told. The truthfulness of the qualitative or systemic components of injustices suffered was thus left largely under-emphasized. The restorative justice sought, was incomplete. Moreover, the manner in which the commission was enacted offers a rich well for reflection on the performed and embodied nature of South Africa’s reconciliation process.

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<sup>180</sup> For a fuller description of ‘interconnected-towards-wholeness’, see the chapter title *‘This Thing Called Reconciliation’: Forgiveness as Part of an Interconnectedness-towards-Wholeness* (Krog, 2013).



## 2.4.Embodying Truth-Telling for Justice: The TRC as ‘*simulacrum*’?

*It is as performance that the TRC event has greater value as symbol, myth and spectacle ... The TRC is what linguists would describe as a ‘performative’ event. By means of this performance it enacted the theories, principles and agreements concluded by once hostile foes: the forces of apartheid and the forces of liberation. Yet it also played another role. A particular kind of work or function was performed by the TRC. Can one say that the TRC fulfilled the role of ‘as if’ (that is, as if it were some kind of court of justice). ‘As if’ it performed the function of Nuremberg. As if reconciliation between antagonistic racial groups had occurred. As if the truth were disclosed. The motif that repeatedly comes to mind is that of ‘as if’: a simulacrum? The TRC played the role as if it were taking confession and offering redemption*

(Moosa, 2000:114;117)

These two roles highlighted by Moosa help to suggest two possibilities that could be considered in contouring truth-telling as embodiment. These possibilities are merely further substantiated in this section in an attempt to set the stage for further analysis and contouring in the chapters that follow.

Considering the TRC as ‘performance’, it is striking that one frequently comes across scholars’ descriptions of the TRC as having been “theatre, tragedy, epic storytelling, liturgy, and drama” (Villa-Vicencio, 2009:91). Albie Sachs speaks of the deep and powerful impact of being a witness to the TRC as a national drama:

“It wasn’t the facts, the data, the information that was important, not even the conclusions. It was seeing the faces, hearing the voices, noting the tears of victims, and also the crying of the perpetrators as they acknowledged, at least to some degree, their brutal conduct, and now sought amnesty. It was real. ... It was so vivid, a huge national drama in which we were all involved” (Sachs, 2009:24).

One scholar who has made a particularly strong contribution is Catherine Cole. She presents the performative nature of the TRC as embodied enactment before an audience, drawing on the observation that scholars have yet to grapple with what she regards as a fundamental aspect of

the TRC – its public, performed dimensions.<sup>181</sup> She writes that “to grapple with the commission’s public enactment, one must analyze not just what witnesses said before the commission but *how* they said things and *how* the event itself was scripted, produced, rehearsed, stage-managed, and represented”. The book examines the “radiating layers of performance: from witness to interpreter to journalist to audience” (2010: xv). What Cole uncovers with this project is significant for considering the embodied truth of the TRC and showing the relevance of continued research on the hermeneutics of truth-telling. Cole writes, “In the disjunctions between participants’ performances of truth *they* wished to perform and the commission’s public iteration of the truths *it* wished to perform, we come closest to perceiving the complexity of the knowledge the TRC brought into being” (Cole, 2010:xvii). The testimonies performed at the hearings provided a corrective to “the narrow epistemologies of truth-telling that were operative in venues like the Nuremberg and Eichmann trials” (Cole, 2010:25).

These performances furthermore suggest that attention be given to the practice of *confession*. It was this “...performance of confession that gave the TRC its most potent vehicle of public influence” (Posel, 2008:131). As Garman notes, “in the move away from the form of retribution enacted by the Nuremberg Trials, we are seeing confession harnessed anew and on an international scale as a mechanism to construct credible, empathetic, self-policing subjects” (Garman, 2007:342). In the act of confession, the lived reality of both ‘perpetrators’ and ‘victims’ - participants’ own truth – becomes clearer.<sup>182</sup> This performative dimension is key to understanding the enacted truth-telling of the TRC and can be understood through a focus on truth-telling as confession.

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<sup>181</sup> She qualifies her understanding of performance in the preface by stating: “In looking at the TRC through the lens of performance I neither see the commission negatively nor do I valorize it with romantic notions about the miraculous, cathartic, healing potential of performance. I simply assert that the commission *was* a performance and that we need to understand how its performative embodiment, storytelling and retelling; how it called into being different audiences and arenas of witnessing; how it functioned as a ritual for addressing a massive breach in the social fabric; how it drew upon existing genealogies of performance, particularly as the disempowered came into context with the law in judicial or quasi-judicial arenas; how, in sum, the TRC served as a literal and figurative stage for South Africa’s political transition (Cole, 2010: xvi).

<sup>182</sup> Cole also shows the development of this performative focus by drawing on South African history, demonstrating how performance encountered the law, particularly through the Treason Trial, the Incitement Trial and the Rivonia Trial, in a transitional context *to* authoritarian rule during the 1950’s and 1960’s (Cole, 2010:28 - 62).

Referring of the truth required to bring about reconciliation, the respected public academic, thinker, and political leader, Frederick van Zyl Slabbert writes, “The truth referred to here is not the truth of the law and science, but the truth that comes from confiding and acknowledging, a sort of confessional truth” (Slabbert, 2003: 318). He makes a strong case for confession as the perpetrator’s action, morally equivalent to the victim’s forgiveness, stating that “Mandela’s willingness to forgive was never reciprocated by De Klerk’s confession” (2003:318). He lays the blame for a lack of reconciliation at the feet of the political leadership that were not able to perform “an awe-inspiring ... example, a cleansing ritual loaded with the symbolism of atonement-forgiveness-reconciliation” (2003:318).

The second role highlighted by Moosa, that of the TRC as a *simulacrum*, a manifestation or representation in its own right, raises the question: can the TRC, as displaying the embodiment of truth-telling, be seen as such a representation? If so, which examples can be highlighted as acts of embodied truth-telling – by perpetrators, but also by victims, beneficiaries or other implicated subjects? Moreover, does this mean it reflected a reality of reconciliation, justice and truth that does not exist? Does it reflect a vision that is only possible in (theological) imagination? Some concrete explorations of these questions will be explored further in the final chapter of this study.

## 2.5.Conclusion

*so much hurt for truth  
so much destruction  
so little left for survival  
where does one go from here?  
voices slung  
in anger  
over the solid cold length of our past  
how long does it take  
for a voice  
to reach another  
in this country held bleeding between us?*

(Krog, 1999:431)

*Official truth-seeking, it turns out, is a cumbersome and complicated affair*

(Hayner, 2011:5)

This chapter has explored how truth was *enacted*: legislated legally, decreed politically and religiously, and embodied performatively. It has shown that the TRC was influenced by and worked with a range of differing epistemologies, and moral foundations. This diversity and complexity evident in what formed the notions of truth and justice in the work of the TRC point towards the need for understanding truth-telling as something that always must be embodied; moreover, that truth-seeking is a continuous and reforming practice. Boraine rightly asks, “How does one end the process of seeking the truth? Yet we had to draw a line and accept that truth-telling and truth-seeking cannot be confined to a particular commission” (2000:8). He believes the Commission had given a focus to what needed to become a common endeavor. Both the content of the truth that was sought as well as the practice of truth-telling that was performed during the TRC remain its legacy and contribution to what it means to tell the truth. The TRC Report does not suggest how the plural model of truth should connect or synthesize the four notions of truth it identifies.<sup>183</sup> Perhaps the many contours of ascribing truth and constituting of truthfulness also do not need to be synthesized or captured as eternal truths to propose what embodying truth-telling will look like.

More than two decades after the start of the TRC, the effects of TRC’s focus on promoting national unity and reconciliation through a truth commission remain ambiguous. This is reflected in recent student movements in South Africa.<sup>184</sup> This perception of what role the TRC played remains instructive for contextual theological questions. Despite the focus to keep questions of utility and efficacy secondary, value can be drawn from noting that the successes and failures of the TRC are both “simple and complex” (Krog, 1999:447). This complexity is partly due to the changing conceptualizations and functioning of truth, reconciliation, and justice, mirroring the shifting and ambivalent position between state and civil society (including faith communities) in this period.

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<sup>183</sup> According to Wilson, forensic truth is an end in itself (knowledge about the past), whereas the other forms of truth are means-directed towards other ends (Wilson, 2001:37).

<sup>184</sup> See for example the chapter titled “We Were Sold Dreams in ’94 – We Want a Refund” in *Breaking a Rainbow, Building a Nation* (Chikane, 2018:170-191).

Indeed, the TRC remains instructive not necessarily because of its successes, but in the many “crucial and spectacular” ways it failed (Maluleke, 2001:197). Slabbert also echoes this sentiment when he states, “Was the entire TRC process a failure? Yes, if one wanted to bring truth and reconciliation together. No, if it made us all aware of where we come from and of the direction in which we must move” (2003:325). It is suggested that the direct opposition to the TRC was due to the degree of difficulty it took to acknowledge, both individually and collectively, what had really happened during the apartheid era (Boraine, 2000b:153). This opposition came in the form of legal action against the TRC and its chairperson and deputy chairperson and complaints to the Public Protector; commissioners were threatened, and the media gave voice to many white Afrikaner perspectives that believed the TRC to be one-sided or biased.<sup>185</sup>

However, according to Krog, the establishing of factual truth, of ‘what happened’, does stand out as a successful endeavor of the TRC (1999:448). This can be verified by individual accounts and narratives of particular events, but because of the explicit legal strategy and political promptings of the TRC to secure amnesty, and particularly for individuals, the Report did not write up ‘the history’ of apartheid. Missing, according to Krog, was its ability to convince South Africans of the moral truth, of ‘who was responsible’ (1999:448). This poses a direct challenge for public theology seeking to respond to the legacy of apartheid.

Krog furthermore highlights one of the important successes of the TRC as the experiences of victims that became part of the national psyche and part of the country’s acknowledged history. It did not, however, manage to repair and heal the trauma of the victims, nor to prevent future violations of human rights. Krog also highlights the shortcomings in the relationship between the TRC and the ruling ANC government, who was responsible for the implementation and continuation of the work done by the TRC. She believes that “The TRC’s failure to interact successfully with the ANC-led government has done the process more harm than all the other criticisms and mistakes put together” (2013:27).

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<sup>185</sup> In the epilogue of *Country of My Skull*, Krog retells the unfolding of events prior to the handing over of the TRC Report to President Nelson Mandela on 29 October 1998 and details the political resentment of the ANC against the Report (Krog, 1999:426 – 449). The Report also comments on the opposition from white leaders: “For the greatest sadness that we have encountered in the Commission has been the reluctance of white leaders to urge their followers to respond to the remarkable generosity of spirit shown by the victims. This reluctance, indeed this hostility, to the Commission has been like spitting in the face of the victims” (TRC Report Vol. 1, 1998:17).

Despite the fact that the TRC has come to enjoy “premier status” in accounts of the South African transition and the “international fetishization” surrounding it, it admittedly had its limitations (Doxtader, 2009:5,8). Tutu writes, “It is not and cannot be the whole story; but it provides a perspective on the truth about a past that is more extensive and more complex than any one commission could, in two and a half years, have hoped to capture” (TRC Report Vol. 1, 1998:2). He also quotes Emily Dickinson in the foreword: “the truth must dazzle gradually ... or all the world would be blind”. Despite its claim of being far more extensive than other commissions and having “contributed more to uncovering the truth about the past than all the court cases in the history of apartheid,” the TRC was well aware of its restrictions and limitations, not least evident in the words of its Chairperson in the Forward to the multi-volume report (TRC Report Vol. 1, 1998:2). As Chairperson of the TRC, Tutu acknowledges that how the past is dealt with, “will remain a controversy for a long time”. He admits to the limitations of providing *a* perspective on the truth about the past by one commission and invites critique as a part of the ongoing efforts of South Africans to deal with its past (and future). Time constraints are recognized, as well as its mandate and the legal provisions that provided restrictions to the work of the TRC. The limitations of the TRC Report were necessarily also the result of its methodology.

The deputy chairperson is also under no illusion about the extent to which a TRC can constitute healing and reconciliation: “The wounds incurred in the long and bitter period of repression and resistance are too deep to be trivialized by imagining that a single initiative can on its own bring about a peaceful, stable, and restored society”. He continues to state, “In particular, it must be restated that without measurable steps taken to address the ever-widening gap between wealth and poverty, conflict rather than reconciliation will be the order of the day” (Boraine, 2000b:154). The TRC, true to being part of the “creature of compromise” of transitional justice, was inevitably limited, and did not address racism and privilege, which can be seen as part of the underpinning issues of the gross human rights violations: “these compromises can be defended as necessary and midwives to the birth of something verging on the miraculous, or as midwives to a still-birth, as majority hopes for a better future were betrayed and the extraordinary all too swiftly became ordinary” (Gready, 2011:1). Gready argues convincingly that transitional justice and human rights need to do more to address structural violence, “and in particular poverty/inequality and social and criminal violence” which he believes have

emerged as “stubborn legacies from an oppressive or war-torn past in many parts of the world” (2011:3).

The vision of reconciliation and justice was bigger than the TRC, and therefore it is acceptable that “some level of disappointment is not uncommon as a truth commission comes to an end (or as a government accepts but then does not implement a commission’s report)” (Hayner, 2011:5). The measures and practices of transitional justice undoubtedly have their limitations. Future enactments will need to continue in truthful dialogue and implementation. Tutu states: “Honest conversation is the womb that holds the possibility of enduring peace .... In South Africa and other countries that have faced the kind of conflict we did, unrestrained conversation is essential. It is an essential part of nation building” (Villa-Vicencio, 2009:89). This conversation will have to be not only between individuals or only publicly or collectively. “The haunting question, which has yet to be answered, is, are the needs and objectives of the state synonymous with those of the violated individual? Moreover, can we assume South Africa to be a society of individual citizens or a society of racial communities with group representation and minority rights?” (Boraine, 2000b:150). Maluleke argues for a shared responsibility between all South Africans: “My contention is that for the reconciliation process to be continuous, and for it to advance and plant itself into the very veins of a nation’s life-blood, what is needed is a continued sense and reality of a constant mutual dependence based on a more constructive and positive set of criteria whose potency must be felt for a long time”. He believed the TRC to be an instrument that could facilitate such a process of mutual dependence, and what is more, recognition for all members of the nation of “the presence of aspects and elements of the other in their own identities” (Maluleke, 2001:195).<sup>186</sup>

The TRC Report recognizes that the TRC and legislation alone could not address the individual and shared moral responsibility; “In short, what is required is a moral and spiritual renaissance capable of transforming moral indifference, denial, paralyzing guilt and unacknowledged shame into personal and social responsibility” (TRC Report Vol. 1, 1998: 132).

This chapter has attempted to demonstrate that the theorization of the foundational terms or keywords employed in truth commissions and transitional justice remain both “weak and

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<sup>186</sup> Interestingly, Krog notes that redefining identity is a fundamental step towards reconciliation. “A group that neglects this essential stage is likely to become frozen in a permanent quest for identity that often expresses itself in rigid and aggressive forms of ethnicism or nationalism” (1999:448).



crucial” (Gready, 2011:3). It has demonstrated that the public discourses on justice and reconciliation were linked to the truth-seeking mandate of the TRC particularly through their exposure to Christianity, and how the mandate of amnesty exposed Christian understandings of justice and reconciliation. Some of the tensions in the performances of truth-telling during the TRC were revealed through the methods of documenting and processing the work of the commission. The undeniable role of Christianity in the TRC process has been stressed, while acknowledging the depth of influence from other worldviews and the shortcomings of language in the process of interpretation. Both victim and perpetrator hearings were demonstrated to be confessional in the sense that they both created opportunities for the public declaration, acknowledgment, and scrutiny of forms of truth-telling. The following chapter seeks to deepen these dimensions in conversation with Michel Foucault.

## Chapter Three: Michel Foucault's Regime of Truth-Telling

### 3.1. Introduction

The work of French philosopher Michel Foucault is well known for centering the notions of power and subjectivity. This is made succinctly clear by the theologian Jonathan Tran in a way that also illuminates Foucault's focus on power for the purpose of this study when he writes, "Foucault thinks the world belongs to power. Christians think the world belongs to God" (2011:3). This is Tran's grounding explanation for the distinction between Foucault's thought and Christian theology. Consequently, this has implications for understanding Foucault's focus on truth and truth-telling, which are pervasive in his work. For Foucault truth-telling is linked to this primordial notion of power as it expresses the relationship between the constitution of subjectivity and production of truth. The history of how telling the truth has posed a problem – ethically and politically – is one of the "problematizations" that Foucault pursues throughout. He admits this in an interview following his Louvain lectures, the focus of this study, in 1981: "Broadly speaking, I have consistently pursued the problem of knowing how truth comes to things and how it comes about that a certain number of areas are slowly integrated into the problematic and search for truth" (Foucault, 2014:253).<sup>187</sup> The centrality of truth in Foucault's thought is widely acknowledged. "Foucault pursued the question of truth – of its production and power, of its relation to the self and subjectivity, and of the implications for politics and ethics – throughout his writings and throughout his political engagements" (Brion & Harcourt, 2014:272). Given how expansive this pursuit of the problem of truth-telling is in Foucault's oeuvre, a narrow reading of a selected text has been chosen. Foucault's thought on truth-telling is treated here primarily in *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*, referred to in this study as the Louvain lectures. This chapter is divided into three main sections in order to structure its contribution to this study.

Firstly, a short overview of Foucault's treatment of the problematic of truth aids in contextualizing the analysis that follows, showing how his work is permeated by conceptualizations of truth-telling. General remarks on these Foucauldian contours regarding

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<sup>187</sup> Foucault's use of 'problematization' can be seen as a departure from his previous focus on marginalization, where individuals constricted by objective features over which they have no control were his focus. Gutting identifies this as an implicit move (Gutting, 2015:137). See also the 1984 interview with Paul Rabinow (1997), *Polemics, Politics, and Problematizations*, in J.D. Faubion (ed). *Ethics, Subjectivity, and Truth: Essential Works of Foucault, 1954–1984*. New York: The New Press. 111–119.

his treatment of the problematic of truth, also in relation to Christianity, aid in accessing his thought in the Louvain lectures. This treatment of Christianity is important for these lectures and for this theological study. The Louvain lectures deepen an understanding of how Christianity contributed to “the complex process of creating and recreating the normal and the abnormal in Western culture over most of its 2500 years,” and according to O’Hara, this is the primary importance of these lectures for Foucault studies (O’Hara, 2014:274).

The second section of this chapter analyzes one of the most recent posthumously published works by Foucault, *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*. The research interest in these recently published lectures is to evaluate in what way this particular contribution by Foucault aids the analysis of the challenges of truth-telling in transitional justice. It is chosen for its direct focus on the relationships between speaking truth and speaking justice. The background and context of this lecture series on truth-telling pave the way for a discussion on its content and how these contours of truth-telling *ascribe truth*, how it *constitutes truthfulness*, and how Foucault suggests truth-telling can be embodied. Concepts and characteristics that relate to and deepen this essay will supplement a fuller understanding of Foucault’s position, while acknowledging that the entire corpus of Foucault’s writings cannot be treated in the confines of this study.

Thirdly, the findings of the aforementioned analysis of the Louvain lectures are weighed against the research focus of this study and the challenges of truth-telling identified in the previous chapter. I consider if (and how) these lectures might contribute to the contextual questions of transitional justice in South Africa. These observations will take note of other receptions of Foucault’s work in transitional justice.

Moreover, his methodology of archeology and genealogy in constructing a history of ideas and social theory is important in relating his insights to the larger research aim of this project that seeks to suggest some contours for a theology of truth-telling through analysis of various discourses. It will thus attempt to be fair to Foucault’s thought, while also maintaining his intuition of being in conversation with present day needs.

The intention of this chapter is therefore not to provide a comprehensive analysis of all aspects of Foucault’s thought that could be related to the challenges of truth-telling raised in this study, or to try to give a complete Foucauldian account on truth. Rather, an attempt is made to capture

the essential insights into his historical philosophy of ethics related to truth-telling, especially in the Louvain lectures, in order to reflect on the challenges of truth-telling presented in the TRC.

### 3.2.Foucauldian Contours

#### Introduction

When asked about the “guiding thread” in his work in an interview in 1981, Foucault responded by stating that instead of a fundamental intuition or systematic reflection, it has been the same Enlightenment impulse as can be found in Kant, Hegel and Nietzsche to reflect on what and who we are today.<sup>188</sup> This is also Foucault’s response when questioned on his historical method in this period, “...the question that serves as my point of departure is: What are we, and what are we *today*?” He continues, “...the game is to try to detect, among those things that we haven’t yet spoken about, what are those things that currently introduce, show, and give more or less diffuse indications of the fragility of our system of thought, our mode of reflection, or our practice” (Foucault, 2014:241).<sup>189</sup> Foucault deals with truth and truth-telling in this sense. In his essay *What is Enlightenment?* he writes, “The critical ontology of ourselves has to be considered not, certainly, as a theory, a doctrine, nor even as a permanent body of knowledge that is accumulating; it has to be conceived as an attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them” (Rabinow, 1984:50).

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<sup>188</sup> See Foucault’s discussion on Kant’s *What is Enlightenment* from his 1982/3 Collège de France lectures, published in *The Foucault Reader* (Rabinow, 1984:32-50) and under *The Art of Telling the Truth* in Kritzman (1988:86-95). He opts for a “critical thought that will take the form of an ontology of ourselves, an ontology of the present; it is this form of philosophy that, from Hegel, through Nietzsche and Max Weber, to the Frankfurt School, has founded a form of reflection in which I have tried to work” (Kritzman, 1988:95).

<sup>189</sup> Foucault’s Collège de France lectures that were given annually since 1970 until 1984 are a foundational reference point for his thought. This explains the significant overlap between some of these lectures and the Louvain lectures, where Foucault seems to have reprised some of its content. Foucault was appointed at the Collège de France in 1970. His own division of his work on the history of systems of thought since his first lectures at the Collège de France in 1970 included “re-examination of knowledge, the conditions of knowledge, and the knowing subject” (Rabinow, 2000: XI). The Louvain lectures were delivered during a time when Foucault was focused on the knowing subject.

## Dealing with the Problematic of Truth

A very cursory account of Michel Foucault's treatment of truth-telling, his terminology, and the outlines of his research questions and method on the history of truth will help to situate and to accurately interpret the Louvain lectures.<sup>190</sup> Regarding Foucault's contributions as ethical reflections, Gutting points out how he did not try and construct new theoretical structures:

Foucault's ethics is not a contribution to philosophy in the sense that has defined the discipline since at least Kant and Hegel: as a body of theoretical knowledge about fundamental human questions. He had no such theoretical conclusions to offer us, just ethical and political commitments to the kind of life he wanted to live. This was a life of continual free self-transformation, unhindered by unnecessary conceptual and social constraints. His intellectual enterprise was the critique of disciplines and practices that restrict our freedom to transform ourselves (Gutting, 2015:141).

This insight regarding Foucault's ethical commitment is important for understanding the motivation behind Foucault's reflections. His engagement with the problematization of truth is traceable in numerous contributions and the framework of the problematic of truth is employed throughout his work (Deere, 2014:517).<sup>191</sup> Foucault's work on the history of the practices of truth in the Louvain lectures in 1981 is thus a continuation from his previous work on truth - and is indeed continued in subsequent work too.<sup>192</sup> However, these treatments reflect and reveal shifts in his dealing with the production of truth. Broader shifts in his work indeed relate to his problematizing of truth; from archaeology to genealogy, or from discourse to self-relations. Foucault's earlier focus on *archaeology* is concerned with the formation of new objects and

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<sup>190</sup> In a review on the Louvain Lectures, Zapata highlights the need to read Foucault expansively and cross-sectionally: "Pigeonholing a project as stringently historical, scientific or ethical defeats Michel Foucault as a strategic philosopher and hijacks the indefatigable elasticity and present-day pertinence that result from his continual adjustment of intellectual focus. It also restricts the ways in which his philosophical endeavors can be encountered, both conceptually and discursively" (Zapata, 2005:150).

<sup>191</sup> Foucault describes problematization in these terms: "Problematization doesn't mean the representation of a pre-existent object, not the creation through discourse of an object that doesn't exist. It's the set of discursive or non-discursive practices that makes something enter into the play of the true and false, and constitutes it as an object for thought, whether under the form of moral reflection, scientific knowledge, political analysis etc" (Foucault, 1988:257). Foucault's focus on problematization is characteristic especially of the last two decades of his work (Zapata, 2005:151).

<sup>192</sup> This is confirmed in an interview included in the publication *Wrong-Doing, Truth-Telling*. In this interview he lists his previous work in the schemas "exclusion-madness-truth" (perhaps primarily in *History of Madness*), "correction-prison-truth" (*Discipline and Punish*), "sexual behavior-avowal-truth" (*History of Sexuality*), and also mentions language, work and natural history (Foucault, 2014:254).

discourses of knowledge.<sup>193</sup> His later *genealogy* (since his appointment at Collège de France in 1970) concerns tracing manifestations of truth through different techniques of power and self-formation, especially those in Christianity, and Western subjectivity in general.<sup>194</sup> His focus on the history of truth, of which the Louvain lectures formed part, can also be said to be an incomplete project, cut short by his death (Hovey, 2007:66; Gordon, 2015:244). A brief treatment of the contours of his thought on problematizing truth follow.

### “Alethic” turn

From the time of his *On the Government of the Living* lectures in 1979-80 until his last lectures at Collège de France, different forms of the theme of truth pervade and dominate Foucault’s thought: *alethurgy*, *act of truth*, *regime of truth*, *avowal/confession*, *veridiction*, and *parrhesia*.<sup>195</sup> Gordon frames this as Foucault’s “alethic” turn, and the distinctive kinds of new analysis he develops during these years as “aletheological” (Gordon, 2015:252). Gordon writes,

These respective categories have some conceptual and empirical overlaps and subsumptions, and each covers a variety of forms of action and life, historical settings and domains of existence. These categories are not set in stone and are not ends in themselves. Their status—a matter to which Foucault does not devote extended overt consideration—is always exploratory, instrumental and experimental. But they appear to have a complementary and cumulative function, which is precisely to itemize and explore historical modes through which the power of truth exercises itself or is exercised through and over human conducts, experiences and relationships. The end-purpose, as he explains in Berkeley, is, of course, still to enable an effective political critique in and of the present (2015:252, 253).

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<sup>193</sup> His 1969 publication, *The Archaeology of Knowledge*, focuses on his archaeological method in his previous works.

<sup>194</sup> Foucault builds on ideas of genealogy found in Nietzsche (The Genealogy of Morals), as seen in his essay “Nietzsche, Genealogy, History” in *Language, Counter-Memory, Practice: Selected Essays and Interviews*, D. F. Bouchard (ed.)

<sup>195</sup> Foucault writes in *On the Government of the Living* (1979-1980) that his focus is not on distinguishing true from false, but on understanding the “force of truth”. He writes, “Basically, what I would like to do and know that I will not be able to do is write a history of the force of truth, a history of the power of the truth, a history, therefore, to take the same idea from a different angle, of the will to know” (Foucault, 2014a:101).

While taking these observations seriously that terms or categories are not ends in themselves, and also noting that they are used with varying frequency and intent, some brief remarks on their use is valuable.

The year before his Louvain lectures, Foucault already used the term *alethurgy*, a term for the relationship between subjectivity and the event of truth. *Alethurgy* combines the Greek word for truth, *aletheia*, with the verb for work or production, *ergon* (Deere, 2014:523). Or as Foucault explains in his 1984 lectures, *The Courage of the Truth*, “Etymologically, alethurgy would be the production of truth, the act by which truth is manifested”.<sup>196</sup>

Similarly, Foucault speaks of an “*act of truth*”. This act of truth is linked to a system of obligations organized around it, which Foucault terms a *regime of truth*. Foucault first introduced this phrase *regime of truth* in *Discipline and Punish*. Foucault’s use of ‘regimes’ or ‘games’ of truth help to orientate his thought regarding his concern with how truth functions. With these games or regimes, Foucault was describing how truth functions as something negotiated, and how it carries knowledge. In lecture 5 of *The Government of the Living*, he offers a definition: “Roughly speaking, a regime of truth is that which determines the obligations of individuals with regard to procedures of manifestation of truth” (Foucault, 2014b:93). This can be, for example, relating to the truth of self or the truth of faith. Each regime contains a set of rules and constraints (a form of power) from which a knowable object has to emerge in reality. As Deere explains, a regime of truth implies a process that engages both the subject and the object. “For Foucault, a regime of truth is the nexus between the historical conditions of possibility of the subject and the historical conditions of possibility of the object. It is the site where truth names the constraints and modalities required of both subject and object to enter the positivity of reality and engage in a set of possible relations” (Deere, 2014:518). This philosophical position studies the “topography of truth,” rather than a teleological trajectory of arriving at truth through trial and time (Deere, 2014:518). “The truth-

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<sup>196</sup> Deere explains: “...alethurgical forms will consider the production of truth through rituals and practices where the subject manifests, recognizes, speaks, or forms an obligation to truth. Whereas archaeology investigated the historical event through which a broader regime of truth came into place at the level of scientific discourse, alethurgy will focus more directly on the event of truth as it occurs through the practices and rituals carried out by and through the subject. What are the rituals and procedures through which a truth gains its force at the level of the subject? What effects of transformation does truth have on the subject, and how have we established such a devotion to truth in the history of the West?” (Deere, 2014:523).



event opposes the notion of self-evident demonstrative truth that can be found in any place or any time regardless of the circumstances” (Deere, 2014:518).<sup>197</sup>

At Berkeley in 1983, Foucault continued to lecture on a genealogy of truth-telling in ancient Greece. These lectures were posthumously published from an audio transcript of a series of six lectures that Foucault gave as part of his seminar, “Discourse and Truth”, and published as *Fearless Speech*.<sup>198</sup> Here, Foucault shows the historical embodiments and traditions of producing and forming ways of telling the truth, using *parrhesia* to speak of truth-telling.<sup>199</sup>

The term *parrhesia* is widely reflected on as an important window into the final years of Foucault’s work, since the time of the Louvain lectures until his death in 1984. Importantly, the Louvain lectures’ study of *avowal*, as an ancient practice of telling the truth, forms the basis for *parrhesia* (Brion & Harcourt, 2014:301). The Louvain lectures laid the groundwork for his later studies on *parrhesia* by questioning and unsettling the sovereign subject (Brion & Harcourt, 2014:301). *Parrhesia* can be translated as “freedom and frankness in speaking the truth” and therefore has much to do with the freedom of speech associated with truth-telling (Hovey, 2007:66) (Foucault, 2001:7). Its Latin translation would be *libertas* or *licentia*. “The one who uses parrhesia, the parrhesiastes, is someone who says everything he has in mind: he does not hide anything, but opens his heart and mind completely to other people through his discourse” (Foucault, 2001:12).<sup>200</sup> In *The Courage of the Truth* lectures of 1984, Foucault explains his focus on parrhesia: “It seems to me that by examining the notion of parrhesia we

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<sup>197</sup> As will be shown in the Louvain lectures, these regimes of truth are established by *veridiction*, truth-telling. The term *avowal* used closely with *veridiction* is Foucault’s instrument for understanding these obligations to truth studied in the Louvain lectures and will be explored in detail in a subsequent section.

<sup>198</sup> See *Fearless Speech* (Foucault, 2001). Foucault poses four questions through which he problematizes parrhesia: “who is able to tell the truth, about what, with what consequences, and with what relation to power” (Foucault, 2001:170). See also commentary on these “Discourse and Truth” lectures at the University of California–Berkeley (October–November 1983) and on parrhesia at the University of Grenoble (May 18, 1982) in the recent English publication Fruchard, H-P. & Lorenzini, D. (eds.). 2019. *Michel Foucault: “Discourse and Truth” and “Parrehsia”*. Chicago: University of Chicago Press.

<sup>199</sup> “My intention was not to deal with the problem of truth, but with the problem of the truth-teller, or of truth-telling as an activity:...who is able to tell the truth, about what, with what consequences, and with what relations to power...[W]ith the question of the importance of telling the truth, knowing who is able to tell the truth, and knowing why we should tell the truth, we have the roots of what we could call the ‘critical’ tradition in the West” (Foucault, 2001:169).

<sup>200</sup> “It communicates the sense of being open, transparent, engaging and saying everything there is to say about a particular issue in contrast to holding something back, being secretive, covert and manipulative” (Dyrberg, 2014:2).

can see how the analysis of modes of veridiction, the study of techniques of governmentality, and the identification of forms of practice of self interweave” (Foucault, 2011:8). These three elements - forms of knowledge, relations of power, and modes of formation of the subject through practices of self – and their relationship to one another is what concerns Foucault.<sup>201</sup>

Metaphysical notions of truth – Platonic or later Western philosophical reflections - are observed in the genealogy of their enactment. His aim in defining truth-telling as *parrhesia* is “to analyze how the truth-teller’s role was variously problematized in Greek philosophy” and how “this same Greek philosophy has also raised the question of truth from the point of view of truth-telling as an activity” (Foucault, 2001:169).

The use of these terms by Foucault can be further contextualized by some brief contours of his work on the themes of power, subjectivity, and criminal justice.

### **Truth, and Criminal Justice**

Foucault’s dealing with the production of scientific truth and the problems of criminal justice have a long lineage that cannot be treated in full here. Already in his *Will to Know* lectures in 1970 and 1971 “*Lecture on Nietzsche*” he explored the production of truth, and continued in his second Collège de France lectures, *Penal Theories and Institutions*, to focus on how truth informs judicial practices and ideas (Brion & Harcourt, 2014:281). In 1973 in Rio de Janeiro, Foucault also delivered a series of lectures that focused on criminal law and criminal justice, “*Truth and Juridical Forms*”. It covers the history of the relation between truth and jurisdiction.<sup>202</sup> In *Discipline and Punish* (1975) Foucault continued to reflect on truth in terms of criminal justice and power, and writes, “The truth-power relation remains at the heart of all

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<sup>201</sup> “Parrhesia is not a skill; it is something which is harder to define. It is a stance, a way of being which is akin to a virtue, a mode of action. Parrhesia involves ways of acting, means brought together with a view to an end, and in this respect it has, of course, something to do with technique, but it is also a role which is useful, valuable, and indispensable for the city and for individuals. Parrhesia should be regarded as a modality of truth-telling, rather than [as a] technique [like] rhetoric” (Foucault, 2011:14). Dyrberg further explains the political aspect of parrhesia: “*Parrhesia* concerns an individual’s freedom to tell the truth, as he or she perceives it after getting acquainted with the facts and due reflection, which is, or rather ought to be, reciprocated by the interlocutor’s acceptance of the other’s truth-telling. Freedom goes together with courage, because the one who speaks freely and truthfully puts oneself at risk. Thus conceived *parrhesia* links up with public political reasoning, critical engagement, political freedom and personal integrity, which are essential components of a democratic ethos cultivated in a democratic political community. This political aspect of *parrhesia* ... is the major concern for Foucault” (Dyrberg, 2014:2).

<sup>202</sup> See *Power: Essential Works of Foucault, 1954–1984* (Faubion, 2000).

mechanisms of punishment,” and that is precisely what “is still to be found in contemporary penal practice” (Foucault, 1975:55). According to Valverde, the publication of the Louvain lectures puts to rest the view that legal powers and legal knowledges in modern societies were not part of his many and “purposively uncoordinated” accounts of the historical emergence of modern powers and knowledges (Valverde, 2015:1083).<sup>203</sup>

## Truth, and Power

Power is a central, foundational theme in Foucault’s work. All his lectures on truth-telling – Louvain, Berkeley, Rio – emphasize the importance of speaking truth to power (Valverde, 2015:1095). “...Foucault examines discursive regimes through the ‘relations of power’ rather than the ‘relations of meaning’ in order to examine strategically the politics of truth” (Bernauer & Carrette, 2004:6). These power relations are inevitable, and therefore need to be guided by an ethos and practices.<sup>204</sup> Foucault thus relates truth to power by rejecting the idea that power creates falsity that must be exposed and dismantled through shining the light of truth. These ideas about speaking truth to power is shown to have its emergence with the Greeks, all the way back to Sophocles’ *Oedipus Rex* and Plato’s political philosophy.<sup>205</sup> Foucault does not believe in this externality of truth and power and relating them to one another. Rather, “Every form of power is supported by a network of truth relations, and every regime of truth carries with it effects of power” (Deere, 2014:524). Every ‘regime of truth’ is thus a force that produces forms of subjectivity and that leads to certain actions. Foucault therefore demonstrates in his genealogy of truth games that the rules of the games change. These are based throughout his work on concrete case studies, such as prison systems or hospitals, which give rise to the axiom that power is knowledge. Thus, attempts to arrive at truth have not always been predicated on epistemology, but at times on ethics or political relations that structure power (Deere, 2014:524).

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<sup>203</sup> For an overview of Foucault’s contributions to criminology and criminal justice see *Michel Foucault* (Valverde, 2017).

<sup>204</sup> Foucault writes, “I do not think that a society can exist without power relations, if by that one means the strategies by which individuals try to direct and control the conduct of others. The problem, then, is not to dissolve them in the utopia of completely transparent communication but to acquire the rules of law, the management techniques, and also the morality, the *ethos*, the practice of the self, that will allow us to play these games of power with as little domination as possible” (Foucault, 1998:476).

<sup>205</sup> Sophocles’ *Oedipus Rex* is used by Foucault as a pivotal study in many of his lectures, including lecture two of the Louvain Lectures. In his 1970’s *Lectures on the Will to Know* (Foucault, 2013) and his 1980 *On the Government of the Living* both use *Oedipus Rex* to reflect on the production of truth; the latter with truth as self-relation, the former with truth as fact (Legg, 2016:860).

## Truth, and Subjectivity

In 1980, Foucault delivered the Howison Lectures at University of California, Berkeley on “Truth and Subjectivity” and “Christianity and Confession”. These were revised and delivered in English a month later at Dartmouth College on November 17 and 24 and finally published together as *About the Beginning of the Hermeneutics of the Self: Lectures at Dartmouth College*.<sup>206</sup> These lectures discuss the role that truth-telling plays in the formation of modern subjectivity and overlap in content with the Louvain lectures presented just a few months later. In the Collège de France lectures of 1982-83, published as *The Government of Self and of Others*, Foucault writes on the technologies of subjectivity and the problematic of the government of human beings (self and others) by truth.<sup>207</sup> “If his earlier studies examined the government of others by truth in more depth, his later work will show the network that flows between self and other, and between politics and ethics” (Deere, 2014:522). This focus on subjectivity is an examination of the different rituals and procedures through which subjects recognize or speak truths of themselves. Foucault believes that modes of ‘spirituality’ is how the subject is formed in relation to an event of truth. It rejects what Foucault cautiously terms as the “Cartesian moment”. This is a moment that “the subject takes on a form of self-evidence where there is a direct interior link between the *I think* and its access to a clear and distinct truth” (Deere, 2014:523).

The contours of truth and subjectivity in Foucault are well depicted in his treatment of confession. For Foucault confession is “an obligatory verbalization of truth” (Heinämäki, 2017:133). According to Bernauer, Foucault was first prompted to study the Christian practice of confession because he had a desire to analyze the obligatory avowal of sexual identity (2005:559). This was his focus in his 1974-5 College de France lectures. In the first volume of the History of Sexuality, he writes that “Western man has become a confessing animal” (Foucault, 1978:58-9). Until the *Courage of Truth* lectures, his last, he outlined a genealogy of confession as a study of the relations between subjectivity, discourse, truth and coercion in Western societies and the idea that telling the truth about oneself is a necessary condition for salvation or healing. “In all his analyses of confession, Foucault consistently links it to obedience and submission. In Foucauldian terms, confession as the central Christian technique

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<sup>206</sup> See *About the Beginning of the Hermeneutics of the Self: Lectures at Dartmouth College*, 1980. (Foucault, 2016).

<sup>207</sup> See *The Government of Self and of Others* (Foucault, 2010).

of the self has been a practice whereby people have become willing agents of their own submission” (Heinämäki, 2017:134). Confession is thus a technique of the self, and it is also a technique of power. This theme of confession, as a key contour in his thought, will be picked up again in the Louvain lectures.

## Christian Theology

Theological engagement with the work of Michel Foucault is frequently grouped into so-called postmodern theology. While this grouping is accurate in Foucault’s proximity to French continental philosophers and post-structuralists such as Derrida, Lyotard, and others, and in his contribution to libertarian thinking, his thought has been shown to have wider relevance for theology.<sup>208</sup> Bernauer and Carrette introduce their important 2004 publication, *Michel Foucault and Theology: The Politics of Religious Experience*, by observing Foucault’s unexamined relevance for theology beyond his influence on postmodern theology and body theology, or a mere modernist critique of knowledge (Bernauer & Carrette, 2004:1).<sup>209</sup> They state that “...there are indications that we are on the eve of a post-Foucauldian spiritual sensibility, which transforms theological knowledge (Bernauer & Carrette, 2004:2). This is seen in how Foucault contributes to the conditions of theological knowledge, with a methodology that “disarms the doctrinal by revealing the unconscious of theological

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<sup>208</sup> Jamie Smith raises the question of Foucault’s intention of presenting his analysis of power and knowledge, which speak to the consideration of him as a postmodern thinker. He raises the question of whether Foucault in fact proposes a new objective view, which would run counter to his own thought. Would this mean that he is presenting a moral judgement on systems of power? Smith makes the distinction between “The Nietzschean Foucault” and “The Liberal or Enlightenment Foucault” (citing David Macey’s choice for the plural in his biography titled ‘The Lives of Michel Foucault’). The former would render Foucault as more descriptive than prescriptive. The latter would group Foucault with Kant and Marx, as offering critique with some evaluative criteria. Smith supports the latter, justified by Foucault’s own activist involvement and his use of language in works such as *Discipline and Punish* to communicate a negative evaluation. Smith notes that this is also how Foucault has been read and used as a protest thinker and adopted in various movements (2006:83-85). See *Who’s Afraid of Postmodernism? The Church and Postmodern Culture: Taking Derrida, Lyotard, and Foucault to Church* (Smith, 2006).

McSweeney notes how Derrida’s notion of the ‘return of religion’ or the materialist conception of religion proposed by Alain Badiou, Slavoj Žižek and others, is an invitation to rethink the relationship between Foucault’s work and religion (McSweeney, 2013:6). See Faith and Knowledge: The Two Sources of ‘Religion’ at the Limits of Reason Alone (Derrida, 1998).

<sup>209</sup> The work of James Bernauer and Jeremy Carrette is highlighted as setting the agenda for a “second wave” of theological engagement with Foucault (McSweeney, 2005:117). Bernauer has a long history of reflecting theologically on Foucault’s work. He writes about his own experience of having been tasked by Foucault in 1980 to arrange a meeting with theologians where he could speak about his current research on Christianity (Bernauer, 2005:557). He also attended Foucault’s lectures at the College de France in the 1970’s.

knowledge,” recognizing how theology has been able to hold “the categories of its thought above the practices of its living community” (2004:3). His methods provide a chance to “rethink questions inside theology which have previously been suppressed or obscured owing to the interests and attachments to dominant forms of knowledge” (Bernauer & Carrette, 2004:5).<sup>210</sup> Bernauer and Carrette thus point out that “Foucault’s challenge to theology is ... to enable Christian theology to recognize its hidden regimes of knowledge power beneath the rituals of its performances” (2004:5). This observation captures one of the central observations of those studying Foucault’s work with theological questions in mind. “The naivety of theologians ends with its engagement with Foucault, because Foucault returns theology to its history, to its struggles for authority and power, to its practices of the self and to its embodied reality. Foucault takes theology from its doctrinal closet into its pastoral reality” (Bernauer & Carrette, 2004:3).<sup>211</sup> In its contestation of institutional spaces of knowledge and its reception by those fighting for oppressed and marginalized groups, Foucault’s critical methodology is “a methodology for the silenced” (Bernauer & Carrette, 2004:4).<sup>212</sup>

Foucault has indeed been a part of the theological critique of modernity in conversation with French philosophy since 1960.<sup>213</sup> He maintained that a sharp distinction between the secular and religious in modernity cannot be upheld (Bernauer & Carrette, 2004:2). Foucault made a

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<sup>210</sup> This treatment of Foucault and Christian theology is indeed limited. Gordon references the work of Philippe Chevallier and Michel Senellart that addresses important questions regarding Foucault and Christianity such as: “...does Foucault have an overall take on Christianity, does he provide a distinctive way of analyzing Christianity, and how far is his engagement with Christianity essential or crucial to his project?” (2015:246). Gordon notes the importance of Philippe Chevallier’s publication *Michel Foucault et le Christianisme* (2011).

<sup>211</sup> Bernauer and Carrette show how Foucault’s thought contributes to thinking about the relationship between culture and theology, by not separating them: “Theological discourse emerges in each period of history according to the epistemic structures that make its statements possible (archaeology). It emerges out of the relations between people and their institutions in order to shape the practices of living (genealogy). This means that revelation and exegesis are shaped according to the regimes of knowledge available at any given moment in time” (Bernauer & Carrette, 2004:2).

<sup>212</sup> Foucault stresses in an interview in 1984 the role of an intellectual in contemporary society: “Nothing is more inconsistent than a political regime that is indifferent to truth; but nothing is more dangerous than a political system that claims to lay down the truth. The function of “telling the truth” must not take the form of law, just as it would be pointless to believe that it resides by right in the spontaneous interplay of communication. The task of speaking the truth is an endless labor: to respect it in all its complexity is an obligation which no power can do without – except by imposing the silence of slavery” (Kritzman, 1988:267).

<sup>213</sup> “The increasingly theologically-oriented studies of Foucault’s work of this period, do not simply tend toward theological appropriation of his writings, but typically belong to a larger moment of critique of modern philosophical and theological presuppositions, which would complicate the religion-reason divide, opening both philosophical and theological discourses to a permanent movement of critique” (McSweeney, 2013:5).



“double refusal”; he did not regard the rational thinking of modernity as an either-or choice that “liberated from the superstitions of a religious past” (he called this the ‘blackmail of the Enlightenment’) and also ignored the “customary epochal divisions”, such as the early modern period moving from religious to secular (Bernauer, 2005:558). This is seen in his view that the period from the sixteenth century was a phase of “in-depth Christianization”, rather than a de-Christianization, as mentioned in a 1975 lecture (Bernauer, 2005:558).<sup>214</sup> Bernauer recalls Foucault’s description of the missionary effort of European Christianity as ‘new Christianization’ which had the effect of a ‘vast interiorization’ of the Christian experience. Both the practice of confession and “the struggle of the flesh with the spirit and the body” stood at the center of this “religious colonization of interior life” (Bernauer, 2005:559). This ‘Christianization-in-depth’ that Foucault claims for the modern period, is demonstrated by showing how power, knowledge, and relation to self, functioned uniquely and varyingly in Christian practices.<sup>215</sup> He offered a critical analysis of governance and institutional practices of Christianity, and thereby attempted to speak to the wider social and political agenda of theology (Bernauer & Carrette, 2004:1). “Foucault offers theology the critical apparatus to find new inclusive and non-dualistic forms of living; he offers the possibility of imaging ways of rethinking theology, as practice rather than belief” (Bernauer & Carrette, 2004:4).

It is worth highlighting what theological tradition might have significantly informed Michel Foucault’s thinking. Foucault was mostly exposed to the theology of the Catholic Church. The French Catholic context seems to be where his discussion of the practices of confession and the examination of conscience are located (Bernauer & Carrette, 2004:6). In other contexts, such as Poland and Brazil, Foucault was also exposed to forms of knowledge, power, and subjectivity which were directly related to religious practices and concerns that drew his attention to Catholic Christianity (Bernauer, 2014:61). The “visual piety and confessional agenda” of the Catholic church was a focus for Foucault (Bernauer & Carrette, 2004:1). This is also seen clearly in how Foucault understood body theology and the “sins of the flesh” (2004:7).

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<sup>214</sup> This lecture is *Abnormal: Lectures at the Collège de France, 1974-1975* (Foucault, 2003).

<sup>215</sup> The first lectures that developed these thoughts were published as Foucault, M. 2014. *On the Government of the Living. Lectures at the College de France 1979-1980*. New York: Palgrave Macmillan.



Since 1980, antiquity and Christian patristics became the exclusive overt topic of his lectures, until his death (Gordon, 2015:244). Gordon identifies his *On the Government of the Living* lectures at the Collège de France in 1979 and 1980 as the “largest installment in a series of strategically important treatments in Foucault's lectures of Christian materials and themes” (2015:245).<sup>216</sup> His fifth lecture is an analysis of the Christian regime of truth composed on the rituals of baptism, penitence and spiritual direction. The publication of a number of these later lecture courses at the Collège de France have therefore also contributed to developments in studies on Foucault and religion (McSweeney, 2013:6).

One way to locate Foucault within contemporary theological debate is his thought on Christian subjectivity. Foucault's long-term genealogical project is that of how the modern, Western, subject is constituted, including true discourse about oneself. Confession is the most relevant example. “Foucault privileges a rigorously historical approach that seeks to remove subjectivity from the realm of the natural, the transcendental, and the ahistorical and strives to demarcate the historicity of subjectivity itself” (Beaudoin, 2002:343). Bernauer and Carrette discuss this subjectivity with reference to mysticism in Foucault. “For Foucault, the practices of spirituality do not lead to an isolation from the world but rather a critical immersion into it and a refusal of its immutability. His spirituality is a political exercise, for he recognized that ‘one of the first great forms of revolt in the west was mysticism’” (Bernauer & Carrette, 2004:8). They continue, “The idea of a Foucauldian mysticism of revolt is an elaboration of a way of relating to oneself differently from modern subjectivity” (2004:9). They therefore draw attention to how Foucault presents “a way of leaving the theological positivism and patriotism of the Age of Faith” through mysticism, and even establishes ground to develop new forms of negative theology.

The site of Foucauldian mysticism is a politically inspired social antagonism which allows that which is beyond and within humanity to find the hope of transfiguration and resurrection. It interrogates the limits of the human imagination and opens a vision for the possibility of developing new models for human engagement with each other, the world and the divine, a divine present and absent in the fragile and all-too-human theology (Bernauer & Carrette, 2004:9).

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<sup>216</sup> See Foucault, M. 2014. *On the Government of the Living: Lectures at the Collège de France, 1979-1980*. New York: Palgrave Macmillan.

## Limitations and Critiques

Deere mentions two major critiques leveled against Foucault's treatment of truth. The first is that because he takes a radical relativist approach to truth, he has nothing to offer the study of truth. Deere dismisses this by pointing out that a radical relativist would not agree with Foucault's position that truth is always embedded within a network of constraints and possible actions, and that these lead us to in a very specific way to formulate truth and carry out these truths on ourselves as subjects (2014:525). The second concerns the content that Foucault produces himself, and how this is conceived of as truth. Foucault's own response is that his books should be read as "experiences and not as factual claims to be verified as true or false" (Deere, 2014:525). These experiences therefore do not seek to be ideological or reveal a deeper truth, apart from pointing out the character of truth as event. This reveals "the immanent critique of the intolerable effects of power and subjection that certain discourses of truth hold for the subject. The aim is not to break free from the regime of truth as such but to locate the points of resistance where the rules of the games might be constructed otherwise" (2014:525, 526).

Indeed, Foucault's own truth game is Eurocentric, with attention almost exclusively on Western society.<sup>217</sup> His work can also be called presentist. These are taken into account in relating his thought to the South African context and its Truth and Reconciliation Commission.

## Conclusion

This section on Foucault's contours of power, criminal justice, subjectivity, and Christianity has aided to contextualize the analysis of the Louvain lectures that follow. This chapter now turns to his problematization of truth in ascribing truth, constituting truthfulness, and embodying truth-telling in the Louvain lectures.

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<sup>217</sup> For a dialogue between Foucault and Fanon on the constitution of subjects and the production of truth in modern Western societies as well as colonial spaces, see Lorenzini, D. Tazzioli, M. 2018. Confessional Subjects and Conducts of Non-Truth: Foucault, Fanon, and the Making of the Subject. *Theory, Culture & Society*, 35 (1):71-90.

### 3.3. Wrong-Doing, Truth-Telling: The Function of Avowal in Justice

#### Introduction

“Looking back into the deepest reaches of our species’ behavior, ‘truthful speech’ [*la parole vraie*] has been a force few could resist. From the earliest moments, truth was one of man’s most formidable verbal weapons, most prolific sources of power, and most solid institutional foundations”. Foucault begins his first lecture in this series with this quote from *Servius et la fortune* by Georges Dumézil, stating that he chose it as an epigraph to the lecture series (Foucault, 2014:28). These lectures study the relationships between what Foucault formulates as “veridiction” (truthful speech) and “jurisdiction” (just speech).<sup>218</sup> They focus on the practices that shape the truth with regard to a perpetrator, particularly the practice of avowal; speaking the truth about oneself under the conditions of a trial (Foucault, 2014:4).<sup>219</sup> It is an exploration of the power of truth and the political and ethical consequences for avowing subjects. The background and context to the lectures are discussed, including the contours of avowal as the foundation of these lectures by Foucault. The content of the lectures is further divided between how truth is ascribed, truthfulness constituted, and how truth-telling is embodied, while noting that Foucault’s starting point is to constitute truth by excavating particular discourses.

Michel Foucault’s 1981 lectures at the Catholic University of Louvain were published for the first time in English in 2014 under the title “Wrong-doing, truth-telling: The function of avowal in Justice” (*Mal faire, dire vrai: Fonction de l’aveu en justice*).<sup>220</sup> The invitation to lecture

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<sup>218</sup> The translator indicates that “veridiction” is a neologism employed by Foucault, which has been kept in the translation to retain both its reference to truth (Latin *ver-*) and telling or speaking (*diction*) (Foucault, 2014:19). The use of “jurisdiction” as “speech of justice” (‘juri’ referring to law, and ‘diction’ to speech) by Foucault is translated as “jurisdiction” to keep the juxtaposition with veridiction (Foucault, 2014:28, translators note).

<sup>219</sup> Valverde explains Foucault’s turn to focus on law and politics in these writings in the light of his oeuvre and having previously worked on *History of Sexuality* with its focus on ethical self-development (2015:1082). Brion and Harcourt indicate that these lectures are perhaps what Foucault was referring to in a footnote in *History of Sexuality Volume I*, where he referred to future lectures on “The Power of Truth” that would take up legal confession and torture. This footnote was never included in the English translation (2014:271).

<sup>220</sup> These lectures were left unpublished for a number of reasons, partly due to the fact that the transcripts and manuscripts that were available were thought to be incomplete (Foucault, 2014:6). Valverde commends the editorial work done by University of Louvain criminologist Fabienne Brion and criminal law scholar from the United States, Bernard Harcourt, as well as an original and well adapted English translation by Stephan Sawyer (Valverde, 2015:1085). The overlap with other lectures has been noted, and these translations have been taken into account. This includes “dire-vrai” that was translated as “truth-telling” as is done in *The Courage of Truth*:

came from the School of Criminology in the Faculty of Law. Penal reform was being debated at policy level at the time in Belgium and Foucault's lectures sought to undermine the foundations of the doctrine of social defense (Foucault, 2014:3).<sup>221</sup> His lectures demonstrate that this doctrine of social defense was another attempt at finding answers to the question: "How does a society such as ours find itself perpetually confronted with a challenge that it consistently takes up, but that it is unable to overcome – that is, the challenge of making a system of law and a system of truth work together?" (Foucault, 2014:255).

In this inaugural lecture and six additional lectures, Foucault conducts a genealogy of avowal as truth-telling in western juridical practice; "a political and institutional ethnology of truth-telling [*le dire vrai*] or truthful speech [*la parole vraie*]" (Foucault, 2014:3). This is limited to the "problem of penality" (2014:29). That is to say, the problem of telling the truth related to criminal law and punishment.<sup>222</sup> The first five lectures are a genealogy of practices of avowal, covering practices from classical Greece all the way to the present. Only in the sixth lecture does Foucault focus on the avowing criminal as "a destabilizing factor in punitive institutions"; a study of how the "veridiction of the subject has introduced a crisis in penal law since the nineteenth century" (2014:201).

Foucault is interested in truth-telling as "social practice" rather than an empirical study on factual truth (2014:28). His contribution is therefore not concerned with defining conditions for a statement to be *true* or *false*, but rather truth-telling "within human relationships, inter-human relations, relations of power, and institutional mechanisms" (2014:28). He avoids

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*The Government of the Self and Others II: Lectures at the Collège de France, 1983-1984* (Foucault, 2011). The Editors of *Wrong-Doing: Truth-Telling* further note that "truth-telling" is the most common English translation of Nietzsche's concept of *Wahrsagen* that Foucault refers to in these lectures to define "dire-vrai" (Foucault, 2014:1). The translation of "aveu" to "avowal" is also explained as referring to "confession", although Foucault's genealogy goes beyond confession; the use of "confession" in both juridical and religious contexts can obscure the more general notion of admission or acknowledgement that Foucault traces (Foucault, 2014:2). Truth-telling is used as an abstract noun, by combining two elements – an adverbial element (a kind of telling) and an objective element (saying something that is true). This does not mean that Foucault used "truth" to refer to substantive truth, 'the truth' (Foucault, 2014:1).

<sup>221</sup> Social defense theory looked at replacing juridical measures with social measures to deal with crime, such as medical treatment, reeducation and others. Foucault states in a interview with Jean Francois and John De Wit following the lectures, "With the doctrine of social defense, we thought we found what we were seeking for decades: a way of making a legal system and a system of truth function simultaneously" (Foucault, 2014:255).

<sup>222</sup> Foucault states that even though the relationship between truth-telling and justice could be studied in civil law or other areas, he chose penality for ease and because "the correlations between judicial institutions and other social practices appear more clearly in this context" (Foucault, 2014:29).

studying the empirical conditions that distinguish a true statement from a false one, however valuable such a study may be. Rather, he chooses to study truth-telling from an “ethnological perspective,” “to study it as a weapon in relationships between individuals, to study it as a means of modifying relations of power among those who speak, and finally as an element within an institutional structure” (Foucault, 2014:28). He continues, “How can one tell truth and speak justice at the same time? How can truthful speech be a foundation for just speech? How and to what extent does just speech, or jurisdiction, need veridiction? This, I believe, is one of the great problems that has spanned our entire history” (Foucault, 2014:29).

He addresses and thereby limits his study of this relationship in four ways: historical analysis of *acts* of truth-telling [*dire vrai*] and speaking justice [*dire juste*] (as opposed to theoretical or general considerations); through an inquiry to the problem of penalty (“wrong-doing”); the focus on *avowal* as a practice found not only in legal systems but in moral and religious practices; and lastly to three realms in history, namely, the realm of the Greeks (lecture one and two), the medieval and Christian realm (lecture three and four), and the early modern and modern periods (lecture five and six). Foucault examines several “alethurgies,” which he refers to as “ritual procedure[s] for bringing forth *alēthes*: that which is true” (Foucault, 2014:39).

### Truth-Telling as Avowal

At the center of this lecture series is thus the practice of avowal.<sup>223</sup> Avowal is more than merely a declaration, and something other than a declaration of a fault (2014:15). Avowal, in Foucault’s words, is then “*a verbal act through which the subject affirms who he is, binds himself to this truth, places himself in a relationship of dependence with regard to another, and modifies at the same time his relationship to himself*” (2014:17).<sup>224</sup> This succinct formulation by Foucault can be unpacked through his inaugural lecture that precedes the lecture series. Avowal is compared to other procedures that seek to tie the individual to telling their truth, notably in religious practices, and situated within “the broader history of ... the techniques

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<sup>223</sup> Foucault had already raised questions on language, reference, and the function of avowal in justice in his *Lessons on the Will to Know*. Other questions on avowal were continued from *Discipline and Punish*, such as the subjectivity-truth couplet that problematizes the human subject as source of the truth (Brion & Harcourt, 2014:283).

<sup>224</sup> Brion and Harcourt state that the role that avowal plays in the work of Foucault is that of a bridge between the “objectivizing of the subject” and the study of subjectification of human beings. This is a study of the relationship between two series, “the object, its divisions ... and the associated techniques of domination,” and the series of “the subject, subjective division, and techniques of the self” (Brion & Harcourt, 2014:283, 284).

through which the individual is brought, either by himself or with the help or the direction of another, to transform himself and to modify his relationship to himself” (Foucault, 2014:24). Foucault focuses in his analyses on avowal *instrumentally*, “insofar as they integrate regimes of veridiction and technologies of the subject” (2014:24).

Foucault begins his inaugural lecture by recalling a case where avowal was demanded of a patient by a French psychiatrist, Dr. Leuret. This example helps to establish the contours of *avowal*. Through being exposed repeatedly to cold showers, the patient was forced to accept the doctor’s diagnosis. Foucault is intrigued by how avowal (in this case, the patient’s admittance of being mad at the insistence of the doctor) was the decisive element in the treatment and became the prerequisite for treating the patient of his delirium. His avowal permits and authorizes his treatment, and “signs the asylum contract” (Foucault, 2014:13). His avowal has power; a prerequisite for avowal. It is also the practice of Leuret that obligates his patient to tell the truth, particularly the truth about himself, which intrigues Foucault. He is interested in the themes and history behind this value associated with truth-telling as avowal, such as the connection between purity and truth-telling; how only the pure can tell the truth and how truth-telling purifies. He shows the antiquity of how there is a correlated relationship between truth-telling and purity. This avowal is not persuasion or a demand to change the patient’s consciousness but does change the reality of a given situation and the understanding of oneself (2014:12).

With this fourfold definition in mind, Foucault turns to the political and the philosophical problems connected to avowal. Firstly, he points out how it has been a political, historical, institutional and indeed juridical problem to know why it has been necessary to “tie the individual to his truth, by his truth, and by his own enunciation of his own truth” (Foucault, 2014:19). He recognizes not only its long history in Western Christian societies, but also its growth (“not necessarily a continuous growth, but by stages and thrusts, with stops and rapid accelerations”) in different forms and practices; that is, “the obligation to tell the truth about oneself ... to make this truth-telling function in one’s relationship to others, and to commit oneself through this truth which is told” (Foucault, 2014:18). He makes it clear that, “Knowing how the individual finds himself tied, and accepts to be tied, to the power exerted over him is a juridical, political, institutional, and historical problem” (Foucault, 2014:19). Throughout the lectures he considers a plurality of modes of veridiction in history; a coherent compilation of

research on psychiatric expertise, pre-law Greece, on the Christian pastorate, and on criminal justice.

Secondly, he also formulates the philosophical problems posed by avowal, observing that “Avowal is a strange way of truth-telling” (Foucault, 2014:19). He makes it clear that his interest is in the *telling*, “the mode of veridiction”, while the truth told is not necessarily in question here (2014:19). This is to separate the veridiction (Nietzsche’s *Wahrsagen*) from the assertion. “In the case of a critical philosophy that investigates veridiction, the problem is that of knowing not under what conditions a statement is true, but rather what are the different games of truth and falsehood that are established, and according to what forms they are established” (Foucault, 2014:20). His focus is thus not to constitute a timeless, abstract form of embodying truth-telling that can be instrumentalized to determine the truth that is told; “...it is not a question of a general economy of the true, but rather of a historical politics, or a political history of veridictions” (2014:20).

Foucault clarifies his interest: “The problem is that of knowing how subjects are effectively tied within and by the forms of veridiction in which they engage” (Foucault, 2014:20).<sup>225</sup> He offers this as a “*counter-positivism* that is not the opposite of positivism but rather its counterpoint” (Foucault, 2014:21). By giving a history of the processes of truth-telling as avowal Foucault thus weighs the procedures designed to produce juridical truth, but also weighs the historicity of any philosophy “that postulates truth as a function of the jurisdiction of a subject capable of distinguishing the true from the false” (Foucault, 2014:4).

Foucault acknowledges the complex and important relationship between judicial practices and the many forms of truth-telling or veridiction; the techniques of examination and direction of conscience, in antiquity and Christianity. These lectures are “an original analysis of the variety of techniques devised, mainly in legal or quasi-legal contexts, to uncover and establish truths that matter – truths about crimes that are also truths about personal identities and about ethical responsibility” (Valverde, 2015:1081). This judicial truth production, the problem of “truth-

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<sup>225</sup> “In one sense, the study of avowal is purely instrumental for something else,” Foucault states in an interview (Foucault, 2014:255).



telling and judging” (2014:22), has at its core Foucault’s understanding of “technologies of government” and “technologies of the subject” (2014:24).<sup>226</sup>

The lectures connect truth-telling as confession or avowal, and the pursuit of both personal and state justice, without presenting a theory of law or a theory of justice. Valverde points out how this technique of avowing what one has done, and also who one is, is a “knowledge move” important to contemporary culture and legal proceedings, and therefore the genealogy presented by Foucault has many possible applications and implications (2015:1081). She further points out Foucault’s argument that the modern notion of an *inquiry*, as a distinctly modern approach to truth seeking, was developed in proto-legal or quasi-legal contexts associated with avowal (Valverde, 2015:1082).<sup>227</sup>

These points made in Foucault’s inaugural lecture in Louvain set the stage for the six-part lecture series. They shed new light on the historical role of truth-telling and its influence on the self that is also engaged through the Truth and Reconciliation Commission as another quasi-legal historical mode of veridiction. Rather than providing an overview or brief summary of the content of these lectures, some of the content and examples used in these lectures will be taken to demonstrate Foucault’s fourfold definition of avowal. The first point “*a verbal act through which the subject affirms who he is,*” is connected to ascribing truth; the second and third to constituting truthfulness, “*...binds himself to this truth, places himself in a relationship of dependence with regard to another,*”; and the last point reflects how truth-telling is embodied, as this act “*modifies at the same time his relationship to himself*”. This further clarifies Foucault’s understanding of the four characteristics of avowal and will therefore also help to address the question of truth-telling in the TRC.

### **Ascribing Truth: The Subject and Subjectivity**

A closer look at the case study demonstrates the four characteristics of avowal in the abovementioned definition given by Foucault. Firstly, “the subject affirms who he is”. The content of this affirmation, what is avowed, is not unknown information about the subject that Leuret wanted to draw out through avowal. It is not undisclosed information like that of a

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<sup>226</sup> His thought on these ‘technologies’ are developed in “Subjectivity and Truth” in *About the Beginning of the Hermeneutics of the Self: Lectures at Dartmouth College, 1980* (Foucault, 2016).

<sup>227</sup> Valverde states the inquiry was the “key format for both early modern philosophy (cf. John Locke, David Hume) and for modern science, natural and social” (Valverde, 2015:1082).

witness called to testify. Dr Leuret's patient's avowal did not advance his understanding. It was rather information about the subject that was known or claimed by Leuret about the patient, information that had power and a potential cost for the subject, whether told or untold. Avowal has a "cost of enunciation" (2014:15). This is an act of *ascribing truth*; the truth of the subject, already authored and determined as true, and therefore containing power.

Since his 1966 work, *The Order of Things*, he tried to demonstrate how the subject becomes an object of possible knowledge in different regimes of truth; "Can one admit the subject as a kind of meta- or trans-historical invariable?" (Foucault, 2014:265). He thus rejects the correspondence theory of truth and its understanding of truth found in pre-given objects, valuing only correspondence with historical enactments. Foucault therefore does not start with universals. He excavates particular discourses. Foucault studied how the subject and the object are constituted in history, and how they are interrelated; how truth-tellers are produced. His work therefore attempts to show the historical contingency of metaphysical notions of truth in Platonism and subsequently Western philosophy. Each regime of truth has a process that constitutes subjectivity, that is accepted by the avowing subject. Truth is thus ascribed, especially in his work following his "alethic" turn, to the subject; the manifestation of truth in the form of subjectivity.

In the Louvain lectures Foucault ascribes truth in this way by studying how Christianity has embodied an obligation to a hermeneutics of the self. This is distinct from an obligation to the truth of a dogma, text or teaching. He contrasts these two obligations, stating:

And it seems to me that one of the great historical problems of Christianity was precisely to know what link could be established between one or the other of these obligations. How can the obligation to believe be tied to the obligation to discover the truth about oneself? How can the truth of faith be tied to the truth of the self? How could a textual hermeneutics and hermeneutics of one's conscience be mutually articulated? It seems to be that this problem has spanned all of Christianity (Foucault, 2014:92).

He does not propose to resolve this tension. He is rather interested in the hermeneutical process of self-avowal, an obligation that has different dimensions:

Thus there is an obligation to search for the truth of oneself. There is an obligation to interpret this truth through all obstacles in order to take a decisive move or step toward one's salvation. And finally, third, there is an obligation not only to discover the truth,

but to manifest it – to manifest it not only to oneself through a certain number of acts or actions such as examining one’s conscience. But also the obligation to manifest this truth to others, or at least to one other, through a certain number of rituals, processes, and procedures that are, as you know, partially, but only partially, located in the sacrament of penance (Foucault, 2014:92).

His historical analysis starts with the problem of veridiction of oneself [*veridiction de soi-même*] in philosophical practice before Christianity, in pagan antiquity, and highlights the examination of conscience and avowal to a director of conscience as two practices of veridiction. After the Stoics, he turns to early Christianity and monastic traditions of the fourth and fifth century. In both Foucault shows how truth-telling about oneself became an indispensable condition for subjection to a relationship of power with another.

In early Christianity, the problem of penance was that once one was baptized, one should no longer sin (2014:104). A single opportunity for penance offered the chance to reintegrate a sinner into the community, without performing a “second baptism”. To demonstrate the early understanding of penance as veridiction or avowal of oneself, Foucault explains the Greek word “*exomologesis*,” used in Latin and Greek texts to explain penance. *Exomologeîn* means to recognize something. It has been used in Christian literature to designate an act of faith or recognizing oneself as a sinner before God. It is used in the *Didachē*, which stipulates that one must recognize oneself as a sinner in collective prayer, while not specifying that personal avowal is necessary. However, in practice the act of penance in a reconciliation ceremony as *exomologēsis* requires a sacrifice of the self. Foucault draws on the writing of Tertullian, Saint Jerome and others to show how the act of penance played out. “Penance was a status. ... In Truth, one did not perform penance. Rather, one *became* a penitent – and becoming a penitent meant living differently from others” (2014:105). A reconciliation ceremony allowed such a person back into the faith community. The true model of the practice of penance is the martyr. This means that penance was “mortification in the strictest sense” (2014:111). “One produces the truth of the self only insofar as one is capable of sacrificing oneself. The sacrifice of the self for the truth of the self, or the truth of the self for the sacrifice of the self: that is the heart of the rite of penitential *exomologēsia*” (Foucault, 2014:112). He states that it was a rite of supplication.

In the question and answer session after this lecture, Foucault clarifies the distinction from the Stoic practices. They do not have the same analytical tasks used by the Stoics that measures the progression towards liberty. Instead, in Christianity the focus is on the truth of the subject themselves. “What he truly is. And his truth, his truth at the intersection or at the point of inflection of *metanoia*, of conversion, right where one is at once dead and one wants to resuscitate another life. And it is his subjectivity, his subjectivity of living death, of a dead man who has chosen life – this is what must be grasped” (2014:116). He states that Christianity made a break in the Western understanding of subjectivity, not through how it understood sin or fault, but rather its techniques “put forward and perfected to draw out the truth of oneself with regard to sin” (2014:117). He further separates this impulse in Christianity for self-knowledge and Stoics’ examination of conscience from Socrates’s *gnothi seauton*, which is rather a “philosophical act through which one establishes a certain mode of relation with *the* truth in general. It is not a means of establishing a relationship to one’s own truth” (2014:117).

### **Constituting Truthfulness: The Power of Avowal**

Secondly, avowal “binds” the avower to “this truth” of who they are, in freedom. Foucault makes the point that Leuret (who had the power to free his patient, if given the authority through the patient’s avowal, by treating him as mad) wanted the avowal to be made in freedom; he constrained the patient, who he forced to be free, by forcing a belief about himself.<sup>228</sup> Foucault asks, “Why must an avowal, even when it is obtained through force, be considered free in order to take on its moral, juridical, and therapeutic effects?” He answers by stating, “The reason is that avowal is not simply an observation about oneself. ... It implies that he who speaks promises to be what he affirms himself to be, precisely because he is just that” (Foucault, 2014:16). Foucault points out the “inherent redundancy” of an avowal, such as declaration of love for someone (2014:16). More than a statement of fact, it ties the one avowing to the truth of that declaration, which includes living that truth with responsibility. This is an act of *constituting truthfulness*; being honest about who you are. “This is the transformation that I would like to study: the problem of ‘who is being judged’ in penal institutions” (Foucault, 2014:23).

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<sup>228</sup> “For Foucault, avowal cannot be directed towards others nor can it be received from them, as it is defined exclusively as a process through which the subject acts upon himself” (Chalmers, 2015:18)

Thirdly, avowal involves power, in placing oneself “in a relationship of dependence with regard to another” (2014:17). It thus also *constitutes the truthfulness* of the regime of truth and power that exists. “In the strictest sense, avowal can only exist within a power relation and the avowal enables the exercise of that power relation over the one who avows” (2014:17). The avowing subject thus submits. Their avowal “incites or reinforces” a power relation on them, making it costly (2014:17). Chalmers also observes this when he writes, “For Foucault, truth is a product of the power dynamics of the institutions that constitute society; truth is bound to social structures and therefore constructed within a particular socio-historical context. Truth-telling (or veridiction, which includes avowal or confession) is a verbal enunciation in which a subject acknowledges a particular truth as authoritative and thereby recognizes the authority and legitimacy of those social institutions that produce it” (Chalmers, 2015:17).

### **Embodying Truth-Telling: Confession as Truth-Act**

Lastly, Foucault highlights the modification of the subject’s relationship to themselves. This modification is an *embodiment of truth-telling*. He calls this the “most singular and difficult to discern” characteristic of avowal (Foucault, 2014:17). By admitting his madness, the patient’s relationship to that now embodied truth, is considered to change. Likewise, a lover’s words tie them to their words, and already changes the quality of their love, now embodied in a ‘speech act’. “While avowal ties the subject to what he affirms, it also qualifies him differently with regard to what he says: criminal, but perhaps susceptible to repent; in love, but it has now been declared; ill, but already conscious and detached enough from his illness that he himself can work toward his own healing” (2014:17).

In an interview undertaken at the time of delivering the Louvain lectures in 1981, Foucault explains how avowal is fundamental to the truth of the subject and that truth is ascribed, and truthfulness is constituted, through adhering to two obligations.

First, there is the obligation to believe, admit, or postulate, whether it be in the order of religious faith or in the order of accepting scientific knowledge; and second, the obligation to know the truth of ourselves, as well as to tell, manifest, and authenticate it. The problem is that of knowing if this connection to the truth of who we are has a form that is proper to Western Christianity. ... It touches on the history of truth and the history of subjectivity in the West (Foucault, 2014:256).

Christian confession (as both an act of professing the faith and confession of self) is situated here, at the hinge of these two obligations of truth, making it the truth act par excellence (Senellart, 2014:341) (Cf. Bernauer, 2014). However, Carrette helpfully points out how Foucault misreads the Christian practice of confession to affirm his study of the history of subjectivity in the West. According to Carrette, he wrongly assumes that Christianity valued the “external act” above the “inner word”, and that this is due to a misreading or omission of Augustinian theology.

Significantly, Augustine rejects the powerlessness of external signs for the power of inward grace. In Foucault, however, we find an anthropology of “expressionist” Christian practices, not a theology of faith; a politics of expression, not a Christianity with inner depth. In effect, Foucault creates a foundational myth for the Western subject caught in the predicament of a culture that demands “tell me who you are” and Christianity services this myth, with profound insight and confusing limitations along the way (Carrette, 2015:283).

He thus helps to point out how Foucault’s lectures on Christian confessional practices “constantly falter on the belief-practice binary form, not least because the truth-act is never separate from the divine horizon, which is something Foucault seeks to split to privilege the expressive act” (Carrette, 2015:286,287).

Nonetheless, reading avowal as confession helps to consider an embodied form of truth-telling, and return to both theological sources and to considering it as a practice that can be further explored in the context of the TRC.<sup>229</sup> These observations in Foucault raise the question of *remorse* as a necessary act of inner conversion for perpetrators in truth-telling.

## Conclusion

The Louvain lectures gave Foucault a chance to bring together his research interests. He could combine the epistemological, ethical and political by relating the history of practices of truth and his interest in the government of the self and the government of others. However, this is done without necessarily developing the implications for other practices, such as found in truth

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<sup>229</sup> For a full study on confession in Foucault see Taylor, C. 2009. *The Culture of Confession from Augustine to Foucault: A Genealogy of the ‘Confessing Animal’*. London: Routledge.

commissions. The Louvain lectures is distinct from his earlier work in that it is concerned with public and dramatized speech that takes place within a specific scene of address. His emphasis on the embodiment of truth-telling is important – not as a ‘theory’ that can be tested, but as a particular account of relating truth, power, and subjectivity. Foucault’s hermeneutical lens thus invites further reflection of avowal within the TRC.

### 3.4. Foucault and Transitional Justice in South Africa

#### Introduction

This section will address how this particular contribution by Foucault aids the analysis of the challenges of truth-telling in transitional justice. Firstly, the relationship between the avowal of victims and perpetrators, as defined by the TRC, and the enforcement of justice can be compared to the practices discussed by Foucault within the penal system. *How does the place and role of avowal, or truth-telling, as described by Foucault, contribute to better understanding this relationship between avowal and justice in the TRC?*

Those offering testimony at the TRC were doing so in their capacity as either a victim seeking healing and justice in the form of acknowledgment and reparation, or as a perpetrator, seeking justice in the form of amnesty, and in some cases seeking forgiveness. The fact that only a select few individuals were given the space to embody their truth-telling at the TRC raises the second concern treated in this section: *how can the avowal discussed by Foucault contribute to the emergence of a responsible society and the individual responsibility taken by those not classified as victims or perpetrators?* An important distinction that needs to be made between the TRC and the context that Foucault related truth-telling and justice, is the legal procedure of avowal within criminal law that Foucault was addressing. Can the practice of avowal help to connect truth-telling and justice outside of criminal law procedures? Can it help those considered as implicated subjects to take political responsibility?

#### The Place and Role of Avowal in the TRC

“I come to you with a problem, or rather with a bundle that is held together, in a more or less clumsy manner, by the following question: What is the place and what is the role of *Truth-telling* in judicial practice?” (Foucault, 2014:21). This emphasis of the Louvain lectures helps to ask the same question of truth-telling in the TRC’s practices, which were quasi-judicial. The



hearings demonstrated “very different genres of truth-telling” (Posel, 2004:17), raising the question: in what way were these testimonies offered in the TRC hearings forms of *avowal*, as this practice is formulated by Foucault? To recall Foucault’s definition of avowal: “*a verbal act through which the subject affirms who he is, binds himself to this truth, places himself in a relationship of dependence with regard to another, and modifies at the same time his relationship to himself*” (2014:17). Moreover, how does this contribute to better understanding the relationship between avowal and justice in the TRC?

Attempting a detailed comparison is not possible. This is because Foucault was not attempting to develop a coherent theory; he was exploring the contours of truth-telling as avowal. Foucault also does not propose a causal relationship between avowal and justice that can be ‘tested’ in the case of the TRC. Nonetheless, a brief analysis considers Foucault’s contribution.

Practices of avowal existed for both ‘victims’ and ‘perpetrators’ in the TRC.<sup>230</sup> Those that had a chance to avow their narrative of being subject to a human rights violation, were constituted as victims. As has been mentioned, the TRC Report explains its use of the term ‘victim’ as referring to those that suffered directly as a result of a human rights violation, stating that “it is the intention and action of the perpetrator that creates the condition of being a victim” (TRC Report Vol. 1, 1998:59). Those responsible for these human rights violations were constituted as perpetrators. It is most helpful to consider the case of how the TRC contoured the relationship between avowal and justice particularly in how it treated ‘perpetrators’ and its dealing with amnesty, as these have been demonstrated to form the foundation of the TRC’s work. The practices at the AC were also most akin to courtroom practices, though with differences.

Truth commissions can be seen as institutions with power; a mechanism or technology of power with transitional justice practices as ‘games of truth and falsehood’ (Cf. Foucault, 2014:20).<sup>231</sup> The TRC created knowledge, and exercised discipline, with its own set of power.

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<sup>230</sup> “The TRC activated the Christian understanding that confession by both victims and perpetrators would reveal a liberating truth by revealing the circumstances under which victims were murdered, maimed and tortured. And this truth would be added to a national database of forensic information that would become part of history and establish legal precedents” (Garman, 2007:337).

<sup>231</sup> These games are demonstrated by the fact that testimonies such as that by Notrose Nobomvu Konile were disregarded because the TRC did not see it as a clear and straightforward narrative of victimhood, to mention one example.

Not only did this happen for individuals and their respective narratives, but collectively and systemically, the TRC constituted a ‘new’ South Africa. Hence, the TRC had the authority to constitute who the perpetrators were that needed to be brought to justice.

Firstly then, the constituting of the self, a perpetrators’ verbal act of “affirm(ing) who he is,” is done through how truth has been ascribed by the governing power. Thus, for the TRC, it governed practices of perpetrators’ avowal through its amnesty-for-truth arrangement. Perpetrators were dealt with, mainly, through the amnesty hearings. Though the HRVC held hearings such as the Event Hearings and Institutional Hearings where collectives (such as churches) had the opportunity to confess wrongdoing, there was no coercion for truth-telling through potential legal action for such collectives. At most, such collectives only faced moral coercion.

Those coming to avow for amnesty, also did so voluntarily. For perpetrators, the identity which the TRC sought out was that of a *human rights violator*. The TRC needed to make perpetrators affirm that they are perpetrators by allowing them to be bound to being a human rights violator, thereby making them dependent on the TRC for being granted amnesty, or facing prosecution. This avowal did not, however, ask that perpetrators necessarily modify their relationship to themselves in the sense of needing to show remorse.<sup>232</sup> If they fitted the criteria for amnesty, they were left with no criminal or civil liability. If their avowal did *not* grant them amnesty, they were effectively liable for criminal prosecution by the state. Perpetrators modelled their truth-telling not by normal legal processes, but could be selective, guided by the requirements for amnesty or by moral convictions at most. Some faced little choice in coming forward, such as Steve Biko’s murderers, ironically as a result of the confessions of apartheid’s “prime evil” Eugene De Kock, even though they displayed no remorse (Slabbert, 2003:323; Cf. TRC Report Vol. 5, 1998:202).<sup>233</sup>

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<sup>232</sup> It is also widely documented that the political leadership of the National Party – leaders such as F.W De Klerk and P.W Botha – did at no point show any remorse for apartheid (Slabbert, 2003:320).

<sup>233</sup> Eugene De Kock was the leader of apartheid ‘death squads’. The Report states, “The Commission acknowledges that it was largely he who broke the code of silence” (TRC Report Vol. 5, 1998:202). See Pumla Gobodo-Madikizela’s account of interviewing De Kock after his imprisonment in *A Human Being Died that Night* (Gobodo-Madikizela, 2003).

The TRC has been critiqued from many sides for its dealing with individual perpetrators through its amnesty-for-truth arrangement. Importantly, the Amnesty Committee has been criticized for functioning as quasi-trials and for its juridical procedures that did not strive to meet the goals of reconciliation and healing (Krog, 2003:118). To qualify for amnesty, perpetrators did not have to show contrition or remorse. As De Gruchy points out, “The perfunctory telling of the truth may be reasonably accurate yet fail to touch the wellsprings of conscience or bring about any change” (De Gruchy, 2002:158). Krog believes that “political necessity did not trump moral duty – but legal intervention trumped moral duty as well as political necessity” (2003:120). In that sense, the subjects who avowed at the hearings did not need to bind themselves to reconciliation or restorative justice, as their amnesty meant neither criminal nor civil liability.<sup>234</sup>

Could a greater emphasis on confession thus have helped to bring about more restorative justice? Others have made this observation, as Garman writes,

Confession has, it seems now, also become one of the public modalities used to establish and maintain the democratic enterprise by providing a way to deal not just with apartheid, but with many other forms of political and social injustice. In this context those public figures who demonstrate an ability to recognize their own culpability and who can express not only their remorse but also their commitment to personal change, now find themselves supported by this activation of confession as a valid method of public performance (Garman, 2007:340).

Foucault demonstrates why this last step of avowal – the modification of the avowing subject’s relationship to themselves – is valuable, as Tran also remarks, “In Christianity and in the unexpected fruitful practices of confession and self-sacrifice Foucault found a genuine interruption in modernity’s hagiography of the sovereign self” (Tran, 2011:93). The value of this is the invitation for a modification of the avowing self in relation to the public. The practice of confession, Foucault demonstrates, offers ethical possibilities for individuals to navigate

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<sup>234</sup> Despite this, there was a strong message of a confession that “enacted a particular version of the modern confessional: speak out, unburden yourself of the pain you have been carrying all these years; you will be released from it and thereby healed — provided you demonstrate your humanity as someone with the capacity to repent and forgive” (Posel, 2008:139). Posel further notes that, “For both victims and perpetrators, therefore, confession was represented as a journey to wholeness — a transcendence of inner damage — that enacted the reconstitution of the self, both psychologically and ethically. The urging to repent and forgive was also an injunction to perform the mutuality of respect and compassion that undergirded the desideratum of ubuntu” (Posel, 2008:139).

knowledge and power: “If governing operates through the formation of *ēthea* into which individuals constitute themselves as subjects of their conduct, then ‘the ability to loosen one’s hold on oneself’ is the ethical condition of possibility for the forms of political resistance to which Foucault’s philosophy invites us” (Foucault, 2014:5). Foucauldian avowal therefore helps to demonstrate the place and role of *confession* as an act of telling the truth.

However, Foucauldian avowal does not take seriously the Christian belief in the metanoia of the self. For the TRC, this would translate into genuine contrition or remorse.

### **Avowal and Individual Responsibility**

These observations raise the question of those individuals who were not subject to the amnesty hearings of the TRC; the countless beneficiaries, bystanders and implicated subjects in the South African society who were not subjected to any kind of truth-telling.<sup>235</sup> The Report acknowledges “...ordinary South Africans do not see themselves as represented by those the Commission defines as perpetrators, failing to recognize the ‘little perpetrator’ in each one of us. To understand the source of evil is not to condone it. It is only by recognizing the potential for evil in each one of us that we can take full responsibility for ensuring that such evil will never be repeated” (TRC Report Vol. 1, 1998: 133). This TRC Report attributes this designation of ‘perpetrator’ – or at least those with responsibility for the wrongs of the past - to only a limited group to the widespread failure by society to fully grasp the significance of individual victims’ testimony (TRC Report Vol. 1, 1998:133). Victim’s truth-telling exposed the daily struggle of millions of South Africans who suffered from the systemic injustices of apartheid.

The Report furthermore acknowledges the widespread responsibility of individuals. It states, “The emergence of a responsible society, committed to the affirmation of human rights (and, therefore, to addressing the consequences of past violations), presupposes the acceptance of individual responsibility by all those who supported the system of apartheid (or simply allowed

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<sup>235</sup> See others who have made similar observations, such as Mamdani and Garman. “It is my contention that the TRC commissioners certainly recognized this to be the case in South Africa but were hoping, via the reach of the media and subsequent personal acts of contrition, to engage the nation as a whole vicariously in a dimension of examination that the TRC process could not encompass” (Garman, 2007:335). Cf. Mamdani, M. 2000. A Diminished Truth, in W. James & L. Van der Vijver (eds). *After the TRC: Reflections on Truth and Reconciliation in South Africa*. Cape Town: David Philip. 58-62.

it to continue to function) and those who did not oppose violations during the political conflicts of the past” (TRC Report Vol. 1, 1998:131).

This raises the question of the implications of confession of all these individuals about the truth of who they are – particularly their racial, and thus socio-cultural and political identity. Is some of the unfinished work of the mandate of reconciliation and justice the confession of the implications of racial identities in South Africa?<sup>236</sup> What are the implications for theology and for churches who acknowledge that race still matters in how they embody justice and reconciliation?<sup>237</sup>

## Conclusion

This short analysis has demonstrated that the practice of confession, as described by Foucault, contributes to better understanding the relationship between avowal and justice in the TRC. Others such as Posel support the observation that “the idea and performance of confession was central to the enterprise of the TRC in epistemological, ethical, and psychological ways — each a product of the conundrum of truth associated with its genealogy” (Posel, 2008:139). These reflections on the Louvain lectures by Foucault demonstrate the need to further grasp the place and role of truth-telling *as confession* in the practices of the TRC. While the Louvain lectures provide a genealogical framing of how this practice of the self has been vital for enacting justice, more can be added to the theological contours of how confession relates to truth and truthfulness to truly embody truth-telling. The avowal discussed by Foucault contributes to the emergence of a responsible society and the individual responsibility taken by

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<sup>236</sup> Garman realizes how complex the identity of a white South Africa and a call to confession is in how she makes sense of Antjie Krog’s role as reporter of the TRC: “If millions were guilty and millions held the power of forgiveness, how would that be given effect except through an assumed hermeneutic value of vicarious participation which turned on affect? But as Krog the author demonstrates through her literary enactment of confession, it is a difficult and complex task to produce a work which not only documents a process faithfully, but seeks also to allow others to understand and participate in the larger project of national renewal and reconciliation” (Garman, 2007:335).

<sup>237</sup> Valverde observes that Foucault recognized that legal institutions are separate from governing powers; “It is thus not appropriate to make generalizations about whether “law” in general is sovereign, disciplinary, governmental, or anything else” (2015:1084). The Louvain lectures thus emphasize the “unpredictable appropriation of various truth techniques in all manner of new contexts, without using any epochal or quasi-epochal generalizations” (2015:1084).

those not classified as victims or perpetrators, by inviting the idea of the confession of socio-cultural and political identities for those committed to justice and reconciliation.<sup>238</sup>

### 3.5. Conclusion

Speaking on the definitions that the TRC used to determine who were victims and perpetrators, Mamdani writes,

Not only are these definitions inconsistent with the Commission's own acknowledgment that apartheid was "a crime against humanity"; they allowed the Commission to avoid acknowledging the evidence of this very crime—not because this evidence was not available, but because the Commission was unable or unwilling to underline the meaning of the evidence compiled by its own research staff and found in its own Report. To validate this evidence requires understanding apartheid as a form of the state, an organized power whose "victims" were not individuals, but groups classified and administered by the same power (Mamdani, 2002:36).

The work of Michel Foucault helps to understanding these governing powers that dictated truth-telling, also at the TRC. His insight into the practice of avowal, as one form of an embodied truth-telling, opens possibilities to explore it further in the literature of the TRC, and as a practice within Christian theology.

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<sup>238</sup> This is also captured in a discussion on the Louvain lectures: "If the study of governing through truth means examining the speech acts by which individuals constitute themselves as subjects and ties themselves to identities given as their truth, then to oppose the courage of truth to the power of truth may mean inventing a philosophical clinical practice of the subject that enables subjects to loosen themselves from the identities by which they are governed" (Brion & Harcourt, 2014:310).

## Chapter Four: Enacting Truth? Reformed Public Theologies in South Africa

### 4.1. Introduction

*The trouble is, we keep on turning relatives into absolutes and absolutes into relatives. And we generally do so not out of a concern for truth, but out of self-interest, fear or ignorance, and in order to shore up the authority on which we are dependent. But that reveals a lack of faith rather than a concern for truth*

(De Gruchy, 2006:186)

*For Christians, the truth involves more than mere information, more than precision, more than brute fact. It is also personal, human, subjective, perspective-bound, narrative, dialogic, social. The truth is always more than our truth, more than we currently know or see. We need others in order to hear their experience of the truth and attempt to make this our own*

(Smit, 1995:6)

This insight from Smit in the quotation above, repeated in many of his essays, stands at the center of the theological reflection on truth in the TRC (Cf. Smit, 2007:333; Mouton & Smit, 2008:52). However, this is not a conviction reflected in most of the history of the churches and theology during the years of apartheid, to mention only the context at hand. Insistence on truth, and theological truth in particular, has been imbedded in histories of injustice, *and* in histories of struggle for justice. The potentialities and contours of this “more than” will therefore be explored in various ways in the context of Reformed public theology in South Africa. This chapter further contextualizes the research focus by presenting past engagements of public theology broadly, and Reformed theology narrowly, with the demands of truth-telling for an ethics of justice in South Africa. It addresses the question of *how truth and truthfulness have been enacted in Reformed public theologies in South Africa?*

Its premise is that these demands of truth-telling for an ethics of justice in South Africa were beyond the scope of what the TRC could achieve, despite its mandate of justice and reconciliation. Christian faith that attempts these demands will draw from assumptions, convictions and commitments to truth, reconciliation and justice more broadly.



A ‘concern for truth’ has been central in the Christian public witness against apartheid. Beyers Naudé, regarded as one of South Africa’s most influential church and civil leaders, chose the name *Pro Veritate* (For the Truth) for a Christian monthly paper that started circulation in 1962. As part of the growing ecumenical resistance against apartheid, this witness to ‘truth’ would provide a platform for the Christian Institute (CI) to spread material to challenge and guide Christian understanding and action.<sup>239</sup> It would not be the last use of ‘truth’ as a key contour in the vocabulary of apartheid resistance, and Christian public witness broadly. Quite obviously, different traditions and churches within the Christian faith have their own way of speaking about the nature of truth. Not only does this entail different readings of the Bible, but in a very practical sense, how the nature of truth is carried forth in tradition and practice, differs. Here, I attempt to cover a Reformed perspective in the South African context. This focus is aided by the reflection on ‘public theology’ in academic literature by South Africa Reformed theologians. This ensures accountability and accessibility of this focus. Moreover, it is a theological landscape in which I am situated and implicated.

Reformed *theology*, but also the history of Reformed *churches* and the content of Reformed *faith* are part of this focus (Cf. Mouton & Smit, 2008). Theology, and *Reformed theology* in particular, has been a site of struggle in South Africa, serving both oppressors and oppressed. The centrality of Reformed *churches*, particularly the Dutch Reformed Church (DRC) in South Africa, is also manifest.<sup>240</sup> This focus is also motivated by my own Reformed *faith* and context as an ordained minister within the Dutch Reformed Church in South Africa. The Reformed tradition’s attempts at speaking truth to, and for, (in)justice thus present various case studies that apply to the research focus of this study.

Some contours for making sense of Reformed public theologies in South Africa are thus drawn. The public theologies that were produced, preached and practiced in South Africa account for

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<sup>239</sup> De Gruchy notes how the early issues show the influence of the Confessing Church struggle in Nazi Germany and the Barmen Declaration of May 1934 on its editor (Naudé) and authors (2005:85). The theological orientation of *Pro Veritate* shifted in later years, showing greater influence from black and liberation theology. This also parallels the development of the CI and with the developments in the church more generally (Villa-Vicencio & De Gruchy, 1985:17).

<sup>240</sup> The designation ‘church’ can also be understood in various ways. Here I refer to the institutional church, represented by official documents and decisions. Smit makes a useful distinction between six different forms or manifestations of church including the church as a worship service, a local congregation, a denomination, ecumenical bodies, individual Christians engaged in their normal daily activities, and lastly individual Christians as volunteers in various organs of civil society (Smit, 2008a:70).

theological responses in avowing truth and embodying justice. It looks to how truth, truthfulness, and truth-telling took form in these theologies, and how apartheid and ‘post-apartheid’ defines the theological landscape. Three focal areas therefore structure this section: how truth has been ascribed (4.2) and how truthfulness has been constituted (4.3) in Reformed public theology in the struggle for justice in South Africa, and lastly how truth-telling was embodied as confession (4.4).

## 4.2. Ascribing Truth for Justice: Theological Foundations

*The discovery of a moment of truth in history is not the result of our intelligence and extraordinary cleverness. It is revelation, the gift of the Holy Spirit. We are not the truth: the truth has found, recovered, and reclaimed us*

(Boesak, 2015:11)

### Introduction

The story of Reformed Christianity (in South Africa) is by any account a “story of many stories” (Smit, 2009:201).<sup>241</sup> For this reason, truth claims in public life, particularly confessions about the revealed law and will of God that must be obeyed in political and social life, have received widespread critique, most obviously in the ways Reformed faith has been linked with apartheid. The heart of the Reformed faith and tradition were themselves at stake in the struggle against apartheid, particularly the Reformed understanding of the truth of the gospel and of God’s caring, liberating justice, amongst others (Smit, 2007f:31).<sup>242</sup> Its contested and ambivalent history as both supportive of and struggling against the injustices of apartheid is both fascinating and complex.<sup>243</sup> Also after the democratic transition in South Africa and a period of rapid social transformation, the question of how the Reformed tradition will confess their faith has been contested (Smit, 2000:67). The contours of ascribing truth in Reformed

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<sup>241</sup> For some distinctions see Smit, D.J. 2009. Reformed theology in South Africa: A story of many stories, in D.J. Smit. *Essays on Being Reformed: Collected Essays 3*. Stellenbosch: Sun Media. 201-216.

<sup>242</sup> Cf. De Gruchy, J.W. 1991. *Liberating Reformed Theology*. Cape Town: David Philip.

<sup>243</sup> For more theological perspectives on the history between 1960 and 1990 see Plaatjies-Van Huffel, MA. & Vosloo, R.R. (eds.) 2013. *Reformed Churches in South Africa and the Struggle for Justice*. Stellenbosch: Sun Press.

public theologies in South Africa draw largely from the work of Dirk J. Smit.<sup>244</sup> It is limited by a contextual reception within a narrow timeframe spanning the second half of the twentieth century. It seeks to contour some of the theological underpinnings for ‘truth’ in Reformed public theology that have manifested in church and faith in South Africa in this time.

### **Ascribing Truth as Public Morality**

There are different ways of contouring different theological approaches that have a reception history in South Africa and that are part of the narrative of the Reformed tradition. Theologian and ethicist, Etienne de Villiers, identifies three prevalent theological approaches to issues of public morality in the years before the democratic transition that serve as a helpful grouping of discourses that have attempted to ascribe truth: *apartheid theology (state theology)*, *church theology*, and *liberation theology (prophetic theology)* (2003:24).<sup>245</sup> This is also the well-known distinction made in the Kairos Document.

At its General Synod meeting in 1974 the DRC accepted the report, *Ras, Volk en Nasie en Volkereverhoudinge in die Lig van die Skrif* (Human Relations and the South African Scene in Light of Scripture) (RVN). The DRC was by no means the only church in which *apartheid theology* took hold, despite it being regarded as the primary bedfellow of the ruling National Party (Cf. Cochrane *et al*, 1999:22). This report served as its most comprehensive account and theological justification for supporting apartheid, and therefore a prime example of how truth was ascribed. Under the heading, “The Word of God as point of departure and norm,” the report explains that the Bible has a determinative word on race relations. This is explained by “normative principles” that the report claims can be applied to this terrain. According to the report, the church of Jesus Christ must bow down unconditionally and obediently to these biblical principles. In doing so, the church can guard against claiming obedience to scripture,

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<sup>244</sup> A significant part of Smit’s publications focuses on the creeds and confessions of Reformed theology. In his essay, *On Dirkie Smit: Take, Read ... Interpret, Confess*, Robert Vosloo highlights the theological contribution of Smit through the “heuristic lenses” of three verbs: “Reading, interpreting, confessing”. It serves as a lens not only on the work of Smit, but gauges important themes and conversations in theology done in South Africa, insofar as Smit is recognized as having a significant influence in theological circles in South Africa, and internationally (Vosloo, 2017a:209-224).

<sup>245</sup> For a perspective on different theologians in the Calvinist tradition that responded to social transformation in South Africa since 1990 (including John de Gruchy, Nico Koopman, Tinyiko Maluleke, Piet Naude, and Allan Boesak) see Smit, D.J. 2009. Morality and Politics - secular or sacred? Calvinist traditions and resources in conflict in recent South African experiences, in R.R. Vosloo. (ed.). *Essays on Being Reformed: Collected Essays* 3. Stellenbosch: SunMedia. 513-549.

while submitting to the authority of a “humanistic-liberalistic ideal,” “the voice of a certain nation or political party” or “under economic or emotional pressure” (1974:5,6). They reference the use of ‘principle’ in the Reformed Ecumenical Synod of Grand Rapids (1963) that stated, “When the Synod uses the term ‘principle’ in this context the term shall mean a regulative rule of conduct expressive of God’s will as revealed in Scripture, and demanding application regardless of place, time and circumstance” (1974:9). These ‘principles’ underscored upholding pluriformity and variety evident in creation, and were made to apply on understandings of race, and unity (drawn from Genesis 1-3 and 11). This example of ‘apartheid theology’ gave dogmatic and doctrinal support for apartheid and went further than mere ethical justification. The distinction between an ethical and a dogmatic support for apartheid was already established in the DRC’s response to the Cottesloe Consultation.<sup>246</sup> The report claims that there is no difference between the DRC and other churches regarding Christian ethics or moral principles, the only difference is in the “methods” to achieve these ideals and goals (1974:102). The report also clarifies its understanding of “justice” and of “truth” as understood from the Old Testament. The report states that where there is “truth” there is stability, and that “The problem surrounding our race relations cannot be solved if the ‘truth’ in its fullest and richest meaning is not done justice,” and therefore the application of these “normative principles” (1974:25, 26). In its 1997 document, *The Story of the Dutch Reformed Church’s Journey with Apartheid*, the DRC acknowledges that through this report it provided a theological and biblical justification for apartheid (Journey with Apartheid, 1997).

The designation of ‘*church theology*’ is found in the Kairos Document’s criticism against mainline multiracial churches that practiced ‘church theology’ by promoting ‘cheap reconciliation’ – that is, reconciliation that did not address issues of justice. This was associated with liberal churches and even liberal responses to Cottesloe and the *Message*. It was precisely because this theology was based on “stock ideas derived from Christian tradition and then

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<sup>246</sup> Johann Kinghorn, in his important work *Die NG Kerk en Apartheid* (The Dutch Reformed Church and Apartheid), makes the distinction between an ethical and a dogmatic support of the apartheid theology. The latter, which he shows by implication to be the choice of the DRC following their decision to reject the decisions of the Cottesloe Consultation, is a choice to understand and define the social-political reality against the background of unmovable principles of how society should be structured. This was because the Cottesloe Consultation, although they did not propose outright rejection of separate development, suggested a more ‘natural’ methodology of segregation, which could in theory have meant acceptance of an alternative political policy; a decision a dogmatic approach could not support. Cottesloe was a testing ground for this dogmatic approach, one which had already been established and cemented (Kinghorn, 1986:119-121).

uncritically and repeatedly” applied. These truths, according to the Kairos Document, were reconciliation (or peace), justice and non-violence (The Kairos Document, 1986).

Shortly after the mobilizing of the ecumenical movement against apartheid ideology, the South African Council of Churches (SACC) published the *Message to the People of South Africa* (1968). The *Message* was an ecumenical statement declaring that apartheid was a “false gospel” that was fundamentally opposed to the gospel of Jesus Christ. Before it was officially launched by the SACC, it was read aloud for the first time at a gathering of 200 church-appointed delegates, the “Conference on Pseudo-Gospels,” where it was also signed by attendees after some heated discussion (De Gruchy, 2018:278). The General Secretary of the SACC stated at its launch that, “Like the Barmen declaration produced by the German Confessing Church, the Message is a challenge to the conscience of every Christian in terms of the Gospel” (Villa-Vicencio & De Gruchy, 1985:20).<sup>247</sup> The *Message* was immediately condemned by the Dutch Reformed Church and the Prime Minister, B.J. Vorster.<sup>248</sup>

De Gruchy explains that the *Message* wanted to declare apartheid as a “false gospel,” “because it promised security and peace through division and exclusion. This was different from saying that apartheid was morally unjust or politically unsustainable. It was implying that apartheid was a heresy” (De Gruchy, 2018:279). De Gruchy notes how the *Message* drew a definite line in the sand, and churches could no longer be ambiguous about apartheid.<sup>249</sup> A confessing movement had begun, with the SACC and the Christian Institute (CI) at the forefront. The *Message* would lead to the social analysis through The Study Project on Christianity in Apartheid Society (SPRO-CAS) and the Special Programme for Christian Action in Society (SPROCAS II) to carry out the report’s recommendations. Importantly, the *Message* was part of the predominantly white Christian response to apartheid and would soon be overtaken by the emergence of the Black Consciousness Movement, the Soweto uprising and the birth of Black Theology (De Gruchy, 2018:282). The Belhar Confession, and then the Kairos

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<sup>247</sup> There are, however, important differences between the Barmen Declaration and the Message. While they were both confessing documents, Barmen was confessional and The Message ecumenical. Other differences include the form and content, while the Christological focus was shared. The Belhar Confession was more the South African equivalent of the Barmen Declaration (De Gruchy, 2018:279, 281).

<sup>248</sup> The DRC would later formulate its opposition to the *Message* and theology that opposed apartheid in its 1974 document *Human Relations and the South African scene in the light of Scripture*.

<sup>249</sup> Cf. De Gruchy, J. & De Villiers, B. (eds). 1969. *The Message in Perspective*. Johannesburg: South African Council of Churches.

Document of 1985, would complete the circle of moments of truth speaking out against apartheid theologically that had begun with the Cottesloe Consultation in 1960.<sup>250</sup>

De Gruchy makes the important observation that the *Message*, as other moments of truth, were crucial acts of justice in solidarity with black South Africans. These moments, however, carry their weight of truth-telling relatively. “And even if it was prophetic in its time,” writes De Gruchy, “it was too ‘white’ to articulate the growing anger of the oppressed for whom acts of resistance was the only language that power would understand” (De Gruchy, 2018:282).

In reference to justice, Kairos states that the justice of ‘church theology’ is the “justice of reform,” “a justice determined by the oppressor”. It relied on “‘individual conversions’ in response to ‘moralizing demands’ to change the structures of society,” and states that the problem is not merely one of personal guilt, but of structural injustice. “True justice, God’s justice, demands a radical change of structures. This can only come from below, from the oppressed themselves” (The Kairos Document, 1986).

Within the Reformed tradition, publications such as De Gruchy’s *Liberating Reformed Theology* (1991) and Boesak’s *Black and Reformed* (1984), clearly show how streams of *liberation theology* have functioned in public. Amongst advocates of South African Black Theology such as Tinyiko Maluleke, the centering of the liberation of the oppressed has always been more important than Christian orthodoxy (1997b:340). During the TRC, Maluleke boldly stated that “We should not ask a “New South Africa” question, such as whether it is contributing to national unity and racial harmony, etc. We must ask what this process is doing to the growing masses of the poor” (1997b:340). In an essay titled “Doing theology in a situation of conflict,” Frank Chikane notes how there is a serious engagement in the transformation of society when it comes to black theology. To a certain extent, the notion of ‘doing theology’ which he identifies as a unique approach in black and liberation theologies, shares with public theology a focus on orthopraxis, as opposed to orthodoxy (Chikane, 1985:102).<sup>251</sup> ‘Prophetic’ truth-telling, closely associated with liberation theologies, was found

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<sup>250</sup> Cf. Meiring, P. 2013. Remembering Cottesloe: Delegates to the Cottesloe Consultation tell their stories, in M-A Plaatjies van Huffel & R.R. Vosloo (eds). *Reformed Churches in South Africa and the Struggle for Justice: Remembering 1960–1990*. Stellenbosch: Sun Media. 39–51.

<sup>251</sup> For more on this, see Naudé, P.J. 1987. Ortopraksie as metodologiese prinsipe in die sistematiese teologie: ’n Sistematies-teologiese analise van Latyns-Amerikaanse bevrydingsteologie en die politieke teologie van Johann



to be highly contested at the Faith Communities Hearings as a mode of speaking about the future, largely due to the moral shadow of the past (Cochrane *et al*, 1999:9). After political liberation, many of the theologians and church leaders in the liberation stream ventured into politics – or merely adjusted their theological trajectory.

An important contribution to the public religious discourse in the years leading up to the democratic transition in South Africa, was the language of truth in relation to justice contained in the Kairos Document of 1985, issued by the Institute for Contextual Theology (ICT). As a form of liberation theology, the Kairos Document in South Africa was a “critique of the current theological models that determine the type of activities the Church engages in” in an attempt to try to resolve the problems of the country. It understood the content of its prophetic theological truth as theological statements that offer incisive discernment of the social and political context.<sup>252</sup> It was preceded by many ecumenical activities, such as the National Initiative for Reconciliation in 1985.<sup>253</sup> This theological truth of the Kairos Document claimed was meant as a yardstick to measure the dominant theology of those with political power - and by implication economic power. The chosen term, ‘Kairos’, is a Greek word meaning ‘special moment’, and primarily qualifies and discerns the theological truth for the present moment. This ‘truth’ is understood as revelation from God, initiated by an interpretation of the Bible in the context of theological injustice. This ‘epiphany’ of truth attempts to clarify the theological truth for “faith and action,” primarily for Christians. To do this, it speaks out with prophetic truth against theology that does not liberate from injustice. This ‘moment of truth’ therefore seeks to clarify the nature of truth, prophetically, as it is believed that ‘a moment of truth’ will lead to justice. The Kairos Document resisted the use of reconciliation, as it was labelled as “church theology” that was thought to prioritize peace and social harmony over liberating justice. It also opposed “state theology” that carried a national security ideology. Following the 1985 document *The Road to Damascus and Violence: The new Kairos* (1990) were published.

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Baptist Metz. Unpublished doctoral dissertation. Stellenbosch: Stellenbosch University. See also Naudé, P. J. & Jonker, W. J. 1988. Bevrydingsteologie as ortopraktiese teologie: ‘n metodologiese evaluerende. *Nederduitse Gereformeerde Teologiese Tydskrif*, 24(3):236 – 245.

<sup>252</sup> Public theology and Kairos theology have been related to one another by several scholars. See for instance, Buttelli, F.G.K. 2012. Public Theology as Theology on Kairos: The South African Kairos Document as a Model of Public Theology. *Journal of Theology for Southern Africa*, (143): 90–106.; and Le Bruyns, C. 2015. The rebirth of Kairos Theology and its implications for Public Theology and Citizenship in South Africa. *Missionalia* 43(3): 460–477.

<sup>253</sup> See Nürnberger, K. & Tooke, J. (eds.) 1988. *The Cost of Reconciliation in South Africa*. Cape Town: Methodist Publishing House.



“Kairos theology” and “kairos consciousness” continues to inform theological reflection on contexts outside of South Africa (Boesak, 2015:1).<sup>254</sup> Following the 1985 document, several other Kairos documents have been drawn up to give voice to situations of injustice, most notably the 2009 Palestinian Kairos Document.<sup>255</sup> Allan Boesak is one of the Reformed voices that continue to employ the notion of Kairos in reflecting on contexts of injustice.<sup>256</sup> In 2011 ‘Kairos Southern Africa’ was launched. The revisiting and rebirth of Kairos theology may be an indication of the lack of theology in post-1994 that addresses many issues of public life (Le Bruyns, 2015:465).

### Confessional Documents

Within this Reformed tradition, a search for the truth has always led to the *confession* of ‘truth’. While the language of confession (singular) is easily associated with the Christian act of confessing sin or guilt, confessing the truth of the gospel (witnessing) in the Reformed tradition has led to the formulation of confessional documents. Thus confessions (plural), as theological, Reformed documents and creeds have been a typically Protestant way of witnessing. It has been the Reformed way of dealing with the challenges of ascribing truth.<sup>257</sup>

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<sup>254</sup> Boesak explains his understanding of “kairos consciousness” and how it relates to truth in the following way: “It is, moreover, a moment of truth, revealing the falsehoods without which an unjust status quo cannot exist, but which blind, beguile, and disable us. Without seeing, discerning, and acting the moment passes us by. Hence the kairos moment is decisive. A kairos consciousness is a consciousness awake and open to the discovering of, and responding to the decisiveness and uniqueness of that moment. Such a kairos moment also reveals the truth about ourselves, strips us of all pseudo-innocence, and as such it is a moment of discernment, repentance, conversion, and commitment. In that moment we discover the truth: about the situation with which we are faced, about ourselves and the Other; about the realities of pain and suffering, about the demands of love and justice, and about the God-given possibilities for real and fundamental change. It is also the truth that sets us free. It is simultaneously a shocking and a liberating moment” (Boesak, 2015:10-11).

<sup>255</sup> The 2009 Palestinian Kairos Document has reawakened “...the sense of *kairos* in communities where the prophetic voice has long been silent. Not since 1985 ... has the word *Kairos* commanded such theological, political, and ecumenical discussion,” writes Boesak (2015:1). For a discussion of the contents and intent of kairos documents see Smit, D.J. 2007. Kairos Documents, in D.J. Smit. *Essays in Public Theology, Collected Essays 1*. Stellenbosch: Sun Press. 251–254. For a compilation between 1985 and 2010, including the Evangelical Witness (1986), A Relevant Pentecostal Witness (1988), the Road to Damascus (1989) and others see by Leonard, G.S.D. 2010. *The Kairos Documents* [Electronic]. Ujamaa Centre for Biblical and Theological Community Development and Research. Available: [http://ujamaa.ukzn.ac.za/Libraries/manuals/The\\_Kairos\\_Documents.sflb.ashx](http://ujamaa.ukzn.ac.za/Libraries/manuals/The_Kairos_Documents.sflb.ashx) [1 June 2018].

<sup>256</sup> See his 2015 publication, “a call to discern new moments of crisis, discernment and kairos, and respond with prophetic resistance to global injustice,” Boesak, A.A. 2015. *Kairos, Crisis, and Global Apartheid - The Challenge to Prophetic Resistance*. New York: Palgrave MacMillan.

<sup>257</sup> The functions of these confessional documents in the Reformed churches vary, including doxological, hermeneutical, unifying, catechistic, anti-heretical, and public witness functions (Smit, 2006:136). This focus on confession is also seen in the choice of the name *Belydende Kring* (Confessing Circle) formed in the 1970’s by

The history of Confessional documents stretches far back to the time of the Reformation as a typically Protestant occurrence, but the tradition of Confessional documents is a continuous activity, arising in critical moments of truth. Such a moment is understood as a *status confessionis*, “a moment of truth in which the truth of the gospel itself was at stake” (Smit, 2007f:34) (Jonker, 1994:156).<sup>258</sup>

The formulation of confessions, creeds and documents have been *the* Reformed way of dealing with plurality, even ambiguity, in the truth claims and religious symbols of Christianity.<sup>259</sup> It is at the heart of the Reformed vision and praxis. Essentially, confessional documents articulate not ‘the Reformed’ perspective on truth but are an attempt at articulating what it means to confess the truth of the gospel – based on the primary confession that “Jesus Christ is Lord,” and in adherence to *sola scriptura*, rather than professing timeless doctrines (Smit, 2009a:297). Confessional documents therefore have a historical nature and express a contextual understanding of the Christian faith. However, Smit writes that the truth of a confessional document is not the truth *of* the historical circumstances, but the truth of the gospel *for* the historical circumstances. The confessional documents do not contain a binding set of truths or knowledge and are of such nature that the church is free to continue to produce confessions as time passes and as the world changes. This is explained by Smit in reference to Karl Barth, who played a significant role together with other Reformed theologians in the *Confessing*

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Reformed Christians, mainly black members from the Dutch Reformed Church in Africa and the Dutch Reformed Mission Church, that were concerned with confessing their faith in apartheid society. See Kritzing, J. N. J. 2010. Celebrating communal authorship: The theological declaration of the *Belydende Kring* (1979) and the Belhar Confession. *Studia Historiae Ecclesiasticae*, 36, Supplement, 209-231. See also Kritzing, J.N.J. 2013. The Struggle for justice in South Africa (1986-1990): The participation of the Dutch Reformed Mission Church and the Dutch Reformed Church in Africa, in M.A. Plaaitjies-van Huffel & R.R. Vosloo. (eds). *Reformed Churches in South Africa and the Struggle for Justice: Remembering 1960-1990*. Stellenbosch: Sun Press. 92-117.

<sup>258</sup> The development and use of the term deserve to be acknowledged in the many instances it resurfaced during the apartheid struggle. *Status Confessionis* is not a technical term that refers to set content (Smit, 1984:14). For a thorough historical excurses on the term until 1984, see Smit, D.J. 1984. “A *status confessionis* in South Africa?” *Journal of Theology for Southern Africa*, (47):21-29, and Smit, D.J. 1984. ‘What Does *Status Confessionis* Mean?’ in GD Cloete and DJ Smit (eds.) *A Moment of Truth: The Confession of the Dutch Reformed Mission Church*. Grand Rapids: Eerdmans. Both WD Jonker and PJ Naudé give detailed accounts of this history in their books respectively, *Bevrydende Waarheid* (1994) and *Neither Calendar nor Clock* (2010). The World Council of Churches’ definition is summarized in the 1990 document, *Proceedings of the 22nd General Council*, ed. Edmond Perret, Geneva: WARC, 173-175.

<sup>259</sup> Cf. Naudé, P.J. 2014. Why is a multiplicity of confessions particular to the Reformed tradition? *Acta Theologica*, (20): 35-48.

*Church* and the writing of the *Barmen Declaration*.<sup>260</sup> Barth, when often questioned about the possibility of formulating a new universal confession, responded by stating that it is neither “possible” nor “desirable” (Smit, 2000:69). In Smit’s own words, while the “intention and claim of a Reformed confession is always to witness to truth that is above the historical context and to faith that properly belongs to the whole church, and will remain so,” its authority is subject to the Word of God that is read, interpreted, heard and preached in the power of the Spirit as an always reforming activity (Smit, 2000:81).

A confessional document was also the Reformed response to the injustice of apartheid South Africa, embodied in the *Belhar Confession* (and its *Accompanying Letter*) of the Dutch Reformed Mission Church (now known as the Uniting Reformed Church in Southern Africa). The Belhar Confession arose from a consciousness concerning the political and ecclesial situation of South Africa that threatened the heart of the gospel; truly, a connection between truth and justice. “For Reformed life in South Africa, this was a moment of liberating and lasting truth” (Smit, 2009e:246). While the historical moment of apartheid called forth the *Confession*, apartheid is deliberately never mentioned. This is because “it’s truth should extend further than the moment and the false teaching” (Smit, 2007f:34). Its truth, its “yes” is “more important, critical and lasting than the ‘no’ – and should be a ‘yes’ for others and elsewhere as well, if it is indeed the “yes” and the truth of the gospel,” Smit explains (2007f:34).<sup>261</sup>

The Dutch Reformed Mission Church accepted a motion at its 1978 Synod meeting, which eventually lead to the writing and acceptance of the Belhar Confession in 1986. Durand describes this as the culmination point of a long struggle in his search for the central driving force (“dryfpunt”) of the gospel within the apartheid context (2002:70). Under the leadership of Allan Boesak, the World Alliance of Reformed Churches also declared apartheid a heresy. Three issues needed to be confessed concerning the historical circumstances’ influence on the gospel – these circumstances concerned the *unity* of the church, the *reconciliation* in Christ and the *justice* of God. These three themes would therefore form the structure of the Confession. The fact that the confession expresses these three as intimately related is what

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<sup>260</sup> Cf. Tshaka, R.S. 2010. *Confessional Theology? A Critical Analysis of the Theology of Karl Barth and its Significance for the Belhar Confession*. Newcastle: Cambridge Scholars Press.

<sup>261</sup> There is also a plurality of associations and meanings involved with confessional documents within Protestantism, as seen in the opposition to acceptance of the *Belhar Confession* as part of the confessional foundation within the family of Dutch Reformed Churches in South Africa, to mention one example.

made it so powerful and inspiring in the apartheid context (Smit, 2007f:35). “This indeed represented a struggle at the heart of the Reformed tradition,” Smit writes,

because, although such a direct link between confessing the truth of the gospel and socio-ethical claims concerning justice might have been new, the claim of those believers and churches struggling against apartheid was that this link between doctrine and ethics, between faith and life, between theology and ecclesiology, between message and order, between truth and discipleship, between the gospel and social and economic justice, was indeed at the heart of the legacy they received from Calvin (Smit, 2007f:35).

The contribution of the Belhar Confession remains its articulation of what justice means; its language remains a powerful witness to justice. Smit writes:

The ongoing ecumenical conversation in the tradition of Barmen and Belhar will certainly not provide us with the answers to our present challenges, but perhaps it can indeed help us to find a common language, a language of freedom, unity, reconciliation, justice and responsibility, a language of discipleship and hope, that could help us better to see and recognize, better to understand and describe, better to respond together to the new challenges of our common and radically changing world, today (Smit, 2009f:334).

And in this sense “What is new in Belhar and central to its claims concerning truth and embodiment,” writes Smit, “is precisely its confession of God’s justice” (Smit, 2007f:37). The Belhar Confession was more than promoting justice in the liberal sense and sought to serve the cause of Christ rather than political liberalism. In a powerful witness regarding justice that spelled out this ontological conviction, it states:

We believe that God has revealed himself as the one who wishes to bring about justice and true peace among people; that God, in a world full of injustice and enmity, is in a special way the God of the destitute, the poor and the wronged and that God calls the church to follow him in this; for God brings justice to the oppressed and gives bread to the hungry; that God frees the prisoner and restores sight to the blind; that God supports the downtrodden, protects the stranger, helps orphans and widows and blocks the path of the ungodly; that for God pure and undefiled religion is to visit the orphans and the widows in their suffering; that God wishes to teach the church to do what is good and to seek the right; that the church must therefore stand by people in any form of suffering and need, which implies, among other things, that the church must witness against and strive against any form of injustice, so that justice may roll down like waters, and

righteousness like an ever-flowing stream; that the church as the possession of God must stand where the Lord stands, namely against injustice and with the wronged; that in following Christ the church must witness against all the powerful and privileged who selfishly seek their own interests and thus control and harm others. Therefore, we reject any ideology which would legitimate forms of injustice and any doctrine which is unwilling to resist such an ideology in the name of the gospel (The Confession of Belhar, n.d.).

### **Reformed: *Unique and Ecumenical?***

Some have attempted to define the truth claims of the Reformed traditions as unique. Karl Barth demonstrates how three other arguments used to defend the uniqueness of Reformed faith and ‘truth’ are problematic. Smit’s summary of these are also insightful for our purposes. Firstly, *antiquarian* arguments defend being Reformed on the basis of tradition, without taking seriously that the tradition “consists in a single, timeless appeal to the open Bible and the Spirit, who speaks from this Bible to our spirit” (Smit, 2000:69). Secondly, an *ideological* argument focuses on a “corpus of truths, slogans and motifs” claimed to constitute being Reformed, and which would qualify someone becoming Reformed. Barth rejects this, “Because the church does not live from (a plurality of) truths, but from the *one* truth, which is not an idea, a principle, a doctrine – from which all else can then be deduced in a logical and artistic way – but *God*, and God alone” (Smit, 2000:70). Thirdly, an *emotional* argument for being Reformed appeals to an experience or spirituality associated with Reformed figures such as Calvin or Zwingli. The only obedience and loyalty, Barth argues, should be to the Word of God, and not to a form of piety or figure (2000:70). It is thus the ‘Scripture-principle’ on which Barth rejects all three these arguments for defending the normative Reformed position. It can be noted that Barth’s thought on ascribing truth and the nature of Reformed confessions are considered mainline convictions within Reformed thought (Smit, 2000:81).

This seeking after truth was thus always intended to be ecumenical and public. Smit highlights systematic theologian Willie Jonker’s understanding of what it meant to have an ecumenical understanding or interpretation of truth (“waarheidsbegrip”). Despite “the truth” being of utmost importance to Jonker, he did not propagate his own construction of truth.<sup>262</sup> Jonker

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<sup>262</sup> Smit recalls that John 8 with its reference to truth was an important text to Jonker, demonstrated by the fact that it was the focus of his trial sermon as a student of theology (Smit, 1989:29).

spoke of truth as knowledge of the love of Christ, a gift of the Spirit of Christ, that leads to freedom; freedom in service of God and neighbor, in faithful obedience to the Word and solidarity with others (Smit, 1989:29). Jonker understood this as truth that one had to bear witness to, over-against the ideologies and dominant forces or pressure groups (of which Afrikaner nationalism was undoubtedly one). Smit notes that despite him not being able to partake in ecumenism, ironically, he was a catholic theologian in essence (1989:30). An ecumenical understanding of Christian truth therefore also colored his understanding of church unity:

The passion for unity is not just a general-philosophical principle, but operates in the service of the pathos of truth. It has nothing to do with a search for unity on the grounds of non-theological interests, such as the unity of the nation, or the social-political interests of the group, or the general spirit of reconciliation in society. It also does not originate from a general attitude of tolerance, relativism and pluralism. It is through and through a search for unity in the truth of the gospel (Smit, 1989:22) <sup>263</sup>

Through the lens of confession, Smit's ecumenical focus is also clear: "An ecumenical pursuit of truth," writes Vosloo, "lies at the heart of Smit's understanding of the nature and task of theology" (2017a:212). This ecumenical pursuit of truth is the search for a biblical or evangelical logic. Smit understood that the Bible itself has been a 'site of struggle' in South Africa, and that the task of interpretation also benefitted from such an ecumenical focus.

Smit's work does not form a closed system, which Vosloo attributes to his understanding of the dialogical function of theology.<sup>264</sup> Smit's theology clearly demonstrates his understanding of interpreting the gospel truth in the present. He writes,

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<sup>263</sup> Smit quotes Jonker at length to demonstrate this point further: "Of course the unity of the church is broken when the truth of the gospel is denied. But we should not easily let one another go because differences arise. The truth itself is catholic and therefore unifying (Eph 4:11-16). The truth is grasped together with all the saints (Eph 3:18). Because we only know in part and prophesy in part (1 Cor 13:9) we need other Christians to assist us in knowing the truth. Differences of opinion may often lead to a clearer vision of the truth. We may not simply identify our own interpretation of the Bible with the truth of God.... When our zeal for truth tends to become divisive in the sense that it continually threatens the unity of the Church and fosters a spirit of withdrawal from the fellowship with other Churches. We may have reason for some caution. ... The truth of the gospel is obviously more than our formulation of it" (Smit, 1989:22).

<sup>264</sup> Smit speaks about the nature of being a professor of theology, saying that perhaps the word professor is apt for those in theology, as they are "professors in the literal sense of the word, people who openly profess, with confidence and assurance, and hopefully in teaching and in life, what they believe and stand for, who are therefore



It is with this insight, that it is not enough to merely repeat what others, including the Holy Scriptures, have said before, and that it is also not possible to redirect and systematize the content of the Scriptures to form a corpus of timeless and perennial truth-propositions that can be consulted like a juridical codex of repository of truths and proofs, but that they live with the necessity, the challenge – yes, on the ground of what the Scripture and its interpreters before them confessed – to read the signs of the times in each new situation, and to talk about the challenges and opportunities of each new day in the languages of Canaan, that the church struggles throughout the ages (Smit, 2002:104).

The Word of God as the primary way of ascribing truth is thus mediated, through revelation, from God (Smit, 2000:71). This revelation forms the ‘concrete authority,’ according to Barth, on which the truth is claimed, drawn from the creeds and confessions, the decisions of the church, the ‘Fathers’ or ‘Doctors of the Church’ and the ‘command of the hour,’ “the real need of the present,” all based on Scripture (Smit, 2000:71,72).

### **Connecting Truth and Confession**

In their 1996 publication, *To Remember and to Heal*, editors Botman and Petersen make the remark that “Although there have been many things happening among the churches at regional level there has been little systematic reflection on the theological, moral and religious questions that the TRC process raises for the churches” (1996:12). This publication was an attempt at providing some reflection. A number of essays in this publication, written by theologians from different ecclesial traditions, offer insight into the contours of truth and its related concepts. Botman mentions in another article published in 1999 that this publication was celebrated as the most comprehensive theological engagement with the TRC at that point (Botman, 1999:111). One particularly valuable contribution in *To remember and heal* is offered by Dirkie Smit, *Confession – Guilt – Truth – and Forgiveness in the Christian Tradition*.<sup>265</sup> This essay offers a significant treatment of the concepts of truth, guilt, confession, and forgiveness, all

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also permanent students of theology, full of wonder and longing, and searching for truth. If we ever think or pretend that we know, theology should be freed of us” (Smit, 2002:102).

<sup>265</sup> This essay (published again in Smit, 2007a) can be read together with another essay by Smit that was written in late 1994 as a precursor to the TRC, “The truth and reconciliation commission – Tentative religious and theological perspectives”. Smit was invited to share theological perspectives on the proposed commission by *Die Suid-Afrikaan* in October 1994 (Smit, 2007c:309).



raised by the TRC, that takes one to the heart of the Christian faith and its dealing with truth. Smit connects *confession* with both memory and guilt, and *truth* with guilt and forgiveness. Each of these terms forms a bridge to the other in Smits reflection; confession to guilt, guilt to truth, and truth to forgiveness (2007g:309). Unpacking ‘truth’ within this sequence of concepts helps to draw more contours.

Firstly then, confession is tied to memory, the basis of Christian faith, according to Smit. We confess and thus remember “the story of Christs life, suffering, death and resurrection”. We confess not only “who we are,” but also our guilt, “we agree with God’s judgment, we confess our faith and trust in God’s promises” (2007c:309). Smit frames this confession as acknowledgement, an attempt to “no longer suppress or deny your deepest nature, but to acknowledge the rightness of God’s judgment on you, to see yourself and your past as God and as your neighbors see and remember you and your past” (2007g:310). These are conditions for the freedom and the reconciliation of faith: “No freedom is possible *from* the past or *for* the future. No reconciliation *with God, with ourselves or with others* is possible” (2007c:309).<sup>266</sup>

Smit then continues to frame guilt in light of truth – understood as “the truth about ourselves” that we are reminded of not by ourselves, but from “the outside, from others, from God” (2007c:312). “We need others to remind us of the truth about ourselves,” writes Smit. He draws on James Cone who maps the way to this truth by telling one another about “memories, stories and experiences”; this is the only way to bridge “ideological gulfs between people” (2007c:312). His quotation of Cone (*God of the Oppressed*, 1975) on the value of sharing truth as story is worth repeating:

Indeed, when I understand truth as story, I am more likely to be open to other people’s truth stories. As I listen to other stories, I am invited to move out of the subjectivity of my own story into another realm of thinking and acting. The same is true for others when I tell my story. Indeed, it is only when we refuse to listen to another story that our

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<sup>266</sup> Smit draws on the work of Richard Niebuhr in *The Meaning of Revelation*, noting how confession of guilt rests on revelation from God, which in turn sheds light on our past, present and future. In particular, such revelation “makes the past comprehensible”, it “urges us to remember what we have forgotten” and it “helps us to make the past of others our own” (2007c:311). He quotes Niebuhr’s insight that “every social history, not least that of the church itself, when recollected in the light of revelation, becomes a confession of sin” (2007c:311). In terms of the present, it draws light to the fact that “we do not know what we are doing to others”, and, as Niebuhr notes, “the measure of our unity is the extent of our common memory” (2007c:310).

own story becomes ideological, that is a closed system incapable of hearing the truth (Smit, 2007c:312,313).

Smit repeats Barth's insight that Christian confession of guilt is "*an exercise in name-giving*". "Confession, to Christians, means ... calling ourselves by the names God and others call us" (Smit, 2007c:313). Smit also draws on the work of Theodore Jennings, in *The Liturgy of Liberation: The Confession and Forgiveness of Sins*, which he claims as one of the "best theological works on the function and nature of the confession of guilt in the Christian church" (2007c:313).<sup>267</sup>

This confession of guilt as truth-telling leads Smit to turn to dealing with this revealed reality, asking, "is this truth about ourselves not unbearable?" To demonstrate this relationship between truth-telling and forgiveness, Smit writes, "According to the Christian gospel it only becomes possible for this truth – about who we really are, about our pasts about the suffering we have inflicted upon others and the guilt we have brought upon ourselves – not to become unbearable, not in fact to become something that we must push aside, repress, avoid or deny, when we acknowledge *the more comprehensive truth of the love, mercy, forgiveness, and acceptance of God*. This is the heart of the Christian gospel" (2007c:313).

Smit shows how this knowledge of forgiveness in the Calvinist tradition stands prior to acknowledgement of guilt. It is the forgiveness in Christ that frees one to confess guilt. He observes that "true self-knowledge, true consciousness of sin, true acknowledgement of guilt are the consequences, the fruit, of forgiveness and not the condition leading to forgiveness" (2007c:314). He also picks this up in the theology of Jaap Durand during the last years of

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<sup>267</sup> The following quote of Jennings highlights the impact of discovering the truth about ourselves that happens in communion with others: "The corporate practice of confession teaches us to see. It teaches us to see ourselves in the light of God's action and promise. The practice of confession is practice in the banishment of illusion, of self-deception, of dishonesty. It is practice in honesty, in telling the truth. The words we use here in public serve as a barrier against the practice of deceit, hypocrisy, and self-deception by which we hide ourselves from God, from our neighbor, from ourselves. Together and aloud we confess our sins by name. These are *our* sins we confess. We are not here describing someone else". Jennings continues, "In the act of confession, we become those who see clearly both ourselves and the world in which we are implicated. The confession of sins is the point at which we describe ourselves as those who were blind but are now beginning to see. In this seeing we also engage in naming. So long as we use the wrong name for things, we cannot hope for freedom. Names have power. They have the power to hold in bondage, to destroy and maim. With the wrong names we can't deal appropriately with ourselves or with one another. Confession is practice in naming" (Smit, 2007c:313; Cf. Smit 1995:5). Cf. Jennings, T.W. Jr. 1988. *The Liturgy of Liberation: The Confession and Forgiveness of Sins*. Nashville: Abingdon. 66-67.

apartheid.<sup>268</sup> Smit offers a free translation of Durand on the prominence of guilt which Durand regards as “the most important question that can be raised with regard to the South African situation...”. He continues to underscore the responsibility of forgiveness that is essential in moving forward:

South Africa has a past that hangs like an albatross around its neck. We all bear the burden of that albatross, individually and collectively, Christian and non-Christian alike. But Christians have the greater responsibility in this regard because they know better than others that a past which has not been purified removes from the present the possibility of freely acting in new and innovative ways (2007c:315).

Smit shows how this forgiveness and striving towards reconciliation explicitly involves confessing of guilt, not merely before God, but to one another. He quotes Luther’s famous words: “A strange confessor! His name is ‘one another!’” (2007c:315). This public, social dimension of confession is expressed in the biblical injunction to reconcile with one another. It involves dealing with the Christian belief that everyone carries ‘original sin’, and therefore there is “no neutral, innocent or, as it were, objective position from which people can speak of sin and guilt as impartial observers”. All are included in this task, as all carry with them, according to the so-called doctrine on original sin, guilt and sin. The tradition is clear: “The only Christian way to talk about guilt is to confess it” (2007c:315). This sin and guilt is therefore so embedded, so unavoidable, that it is a confession not just of acts of wrongdoing, but the acknowledgment that it lies in “our nature, our being, our identity” (2007c:315). What needs to be confessed is our nature, and thus who we are.<sup>269</sup>

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<sup>268</sup> Cf. Durand, J.J.F. 1986. Koop die tyd uit, in J.J.F Durand (ed). *Teks en konteks Versamelde opstelle oor kerken en politiek*. Cape Town: University of the Western Cape. 126-130.

<sup>269</sup> Smit expands on this observation by drawing on the work of Dietrich Bonhoeffer and the context of Nazi-Germany. These insights are incorporated in the chapter of this study that deals explicitly with Bonhoeffer’s work. Concerning forgiveness, Smit notes that foundational to the Christian faith is the act of forgiving one another; a culture of mutual forgiveness rooted in the belief that we have been forgiven by Christ. The Christian logic is therefore that “the imperative is rooted in the indicative” (2007c:317). Smit elaborates on the work of Lewis Smedes, in *Forgive and Forget*, whose central argument for why forgiveness is necessary is that of the “healing of the self” (2007c:318). Smedes talks about forgiving as “spiritual surgery inside your soul”. He writes, “It is the editing of your memory that is your salvation ... If you cannot ... you enslave yourself to your own painful past, and by fastening yourself to the past, you let your hate become your future. You can reverse your future only by releasing other people from their pasts” (Smit, 2007c:318). Importantly, this view on why one should forgive departs from the Christian paradigm, which is rooted in God’s forgiveness – we forgive because God forgives us.

Smit concludes these dimensions of confession by stressing the necessary tension between the *private* and the *public* form of confession. A “cultic, liturgical, official, public and collective” form of confession and contrition highlights its “vicarious dimension”. Absolution is therefore also public, official and common, constituting either an important liturgical moment or symbolic act for this voluntary adoption of guilt. This public act does not, however, prove genuine contrition, true introspection, nor even a change of heart among individual believers (2007c:319). Therefore, Smit notes, a “personal, voluntary, private, subjective and spontaneous form” is necessary, amongst family members, spouses and friends, inter-personally (2007c:319).

Smit concludes his article with offering some objections (theological and other) to the conjunction of confession-guilt-truth-and forgiveness in the Christian tradition. The first is a rejection of the strong emphasis on feelings of guilt. This criticism is found in the work of theologians such as Wolfhart Pannenberg, philosophers such as Nietzsche (*Genealogy of Morals*), the famous psychoanalyst Sigmund Freud (*Totem and Taboo*). Pannenberg observed that guilt feelings and the confessional mentality, which “have become the root of the experience of God in Protestantism,” are a “spiritual illness, pathological and neurotic” (Smit, 2007c:321). The second objection has to do with the understanding of theology’s public and Christian social ethics. The “logic” and “grammar” of Christian faith and the public, political and economic world differ; “religious forgiveness is not amnesty,” writes Smit. “It is sufficient to remember that there are no direct links between Christian convictions and behavior and public life in a modern democracy. We have already taken long enough to learn this” (Smit, 2007c:321). Thirdly, the criticism of credibility raises the admonition for the Christian churches to confess their own guilt, before demanding it from others. Lastly, Smit raises the objection that the search for the truth and confessions of guilt can easily become “ideologized ... weapons in a social power struggle” (2007c:321). Such cynicism and misuse of power remain a threat, regardless of the value of a moral pursuit.

## Conclusion

This section has demonstrated how truth was ascribed, particularly as public morality, and through Confessions in the Reformed tradition, also in ecumenical conversation and in tracing the theological contours necessary for dealing with concepts at the heart of the TRC. It has demonstrated that ascribing truth concerns differences in social analysis, and different theological loci. The reflection by Smit has unpacked some of the theological contours of truth

and confession. The following section looks to different accounts in the South African landscape that have attempted to discern truthfulness. It further unpacks the issue of how the public discourse related to justice and reconciliation demanded truthfulness.

### 4.3. Constituting Truthfulness for Justice: Contextual Contours

*In South Africa churches are in a position to become 'schools for the truth'.  
... In South Africa churches and Christians have to be truthful with each other  
and with all people about the past. We have to be truthful about the present  
in South Africa, and we have to be truthful about the future*

(Smit, 2007d:54)

#### **Introduction**

“A confession without a pre-history, without a conflict, is no Reformed confession” (Smit, 2000:75). Smit draws this observation about doctrinal conflict as a presupposition for a confession from Barth. It explains the *context* of constituting truthfulness in the form of a Reformed confession. As has been demonstrated, creeds and confessions serve to reject falsehoods, to agree with God’s ‘yes’ and ‘no’. In doing so, it has ethical implications and it calls for discerned action (Smit, 2000:75), born of faith and embodied in the church. While the previous section focused on Christian theology regarding speaking truth in the South African context in response to apartheid, the following section will explore Christian faith and church responses to the context of apartheid. Contouring theological responses according to theology, faith, and church is primarily descriptive and does not assume a strict separation is always possible. Some of this history of discernment at the time of transition is covered in this section to answer how the public discourse on justice and reconciliation presented challenges for truthfulness in Reformed public theologies.

#### **Post-apartheid?**

1994 marks the end of the exclusion of black political participation under apartheid and colonialism in South Africa, and the beginning of a nonracial democratic South Africa. While the democratic elections in April 1994 marked the formal end of the liberation struggle, it did not guarantee the realization of all the ideals of justice that were fought for. Nonetheless, it still stands as the most significant historical marker to separate the ‘new’ South Africa from the old; the birth of democracy, political freedom, and nonracialism. This division is often made

by the use of the term ‘post-apartheid’ South Africa. For some, this is a misleading phrase, “a heuristic tool to disjoin the old from the new” (Chikane, 2018:26), thereby negating the enduring legacy of apartheid (and colonialism). The use of this contour is widespread in theological reflection. One instance is how John de Gruchy chooses to group “South African Theology” into “Theologies of the struggle” and “Post-Apartheid Theologies” (De Gruchy, 2008:841).<sup>270</sup> It raises the question of what exactly the struggle (used in the singular) consisted of, and if the end of legislated apartheid did in fact bring an end to this struggle. There is realism behind asking *how* and *why* the struggles (plural) of this period were collectivized into ‘the struggle’, and by implication interrogating the term ‘post-apartheid’, also to designate ‘theologies’. In the same vein, Tutu’s phrase of a ‘rainbow nation’ that was born after 1994, has been seriously contested by a younger generation. As Rekgotsofetse Chikane, the son of the church leader Frank Chikane and leader during the #MustFall or Fallist student movements writes, ‘rainbow nation’ became “an artificial conch of righteousness but it belied the truth of the country’s reality” (2018:5).<sup>271</sup> Speaking of post-1994 is therefore more socially conscious. This contour highlights one aspect of how the public discourse on justice and reconciliation presents challenges for truthfulness.

### Transitioning Theologically

The theological agenda - the constituting of a truthful ministry - after the end of legislated apartheid had little clarity. In the introductory chapter, the reflection by Smit identified different social imaginaries in South Africa since this period. It is worth drawing some more contours to demonstrate that different proposals regarding the public responsibility and the concrete challenges surfaced, without much consensus. The period from 2 February 1990 until the elections in 1994 were marked by uncertainty, and the political, social and ecumenical transition left churches insecure and confused (Smit, 2007d:41). A “near insurveyable variety” of documents, declarations, and studies were produced in this time, with little clarity or

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<sup>270</sup> De Gruchy acknowledges that the ‘Theologies of the Struggle’ continue to exist, not least because the “legacy of apartheid persists,” while they also continue to be shaped by new challenges of a “secular democratic transformation”. He identifies African Theology, Confessing Theology, Black Theology, Woman’s Theology, and Prophetic Theology as “Theologies of the Struggle”. “Post-Apartheid Theologies” are centered around two key theological foci, according to De Gruchy – soteriology and ecclesiology. He includes “Reconciliation and Restoring Justice”, “Ecclesiologies of Embodiment, Inclusion, and Healing”, and “Religious Pluralism and Interfaith Dialogue”. See De Gruchy, J.W. 2008. South African Theology, in W. Dyrness and V. Kärkkäinen. (eds). *Global Dictionary of Theology*. Downer’s Grove: IVP. 841-845.

<sup>271</sup> Chikane chose to title his book that covers the student movement as “Breaking the Rainbow, Building the Nation” (Chikane, 2018).

agreement (Smit, 2007d:41,42). Smit writes during this time that church leaders were “overtaxed, overburdened. We are not properly prepared for what is required. We are also strained and exhausted” (2007d:56). In some sense, the struggle for liberation and political freedom seemed over with the freeing of Nelson Mandela and the unbanning of liberation movements, yet the ideals of justice and reconciliation were far from realized.

The collapse of the apartheid regime was more than a political change of government. Smit remarks that it was a collapse “into modernity itself, almost overnight” (Smit, 2007d:49). Writing in 1993, Smit identified five challenges that were frequently raised: national reconciliation and nation-building, including the establishment of a democratic culture; promoting (or creating and maintaining) peace amidst the various forms of violence; working for “true justice”; caring for those that suffer in poverty in all its forms; and lastly the need to be credible and sincere, “to proclaim but also to embody what the true gospel is, particularly through our own actions and our own structures” (Smit, 2007d:53).<sup>272</sup> “The people of South Africa need truth and they long for truth,” writes Smit.

It is important that we understand this. And for the churches it is extremely important to realize this well. For too long we have lived with falsity, with lies, with propaganda, with indoctrination, with theological rhetoric, with betrayal and deception. We have all had enough of that. We have lost our faith in people, in leaders, in politicians, in one another, in the truth (Smit, 2007d:53).

Smit proposes three ways in which this need for truth (or truthfulness) can be realized: remembering, facing reality, and taking responsibility. The first is a call to develop a common memory, and this involves confessing guilt; an issue that was “heatedly discussed” at this time (1993) (2007d:54). Secondly, facing reality requires a new form of solidarity that includes those previously excluded and accepts the inevitable task of sacrifice that overcomes cynicism. This leads to the third task of taking responsibility for, and paying attention to, common life in South Africa (2007d:56).

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<sup>272</sup> In terms of the establishment of a democratic culture, the work of the Institute for a Democratic Alternative for South Africa (IDASA) was very important in this time. IDASA was founded by Alex Boraine and Frederick van Zyl Slabbert in 1986 and later became the Institute for Democracy in South Africa. With regards to the what working for “true justice” meant, Smit identifies four different spheres to frame the debate around justice in this time. He includes political justice, judicial justice, economic justice, and social justice (Smit, 2007d:51).



The transition and social transformation in the years after 1994 were seen by many as a miracle in its ability to have prevented civil war and have made forgiveness and reconciliation part of the ‘new’ South Africa. It was “a short period of civil religious revival in an almost classical sense,” writes Smit (2007e:114). De Gruchy describes the inauguration of Mandela on 10 May 1994: “At long last truth, human rights, justice, the human struggle for dignity were victorious. We were proud when the new, colorful flag was unfurled because it represented the achievement of moral struggle, and the birth of a new nation as yet untainted by the failures which time would bring” (De Gruchy, 2006:191). After the first democratic elections the optimism of a new ‘rainbow nation’ but also the fears of more civil unrest and violence posed a challenge for theological agendas. The transition to democracy did not immediately have an effect on the socio-economic realities, and the power of whiteness was largely unaffected by the political transition of 1994, to name but two examples of continuing challenges. Despite the apparent change in political landscape, the divisions of apartheid were so engrained that any public discourse was also strained. Smit quotes theologian James Cochrane who stated,

So widespread is this destruction of truth in South Africa that it is no longer possible to recognize in public speech any common basis of discourse. This in itself leads towards a profound disorder in our society, indeed, perhaps the destruction of the very foundation of human community, through the destruction of language itself (Smit, 2007d:44).

What then was the task of churches in being faithful and authentic in their witness? Smit remarks that for many, the time had come for churches to continue “to occupy itself simply with the kinds of things any other church in any other society would be occupied with” (2007d:47). These were not merely the views of the white DRC, but also to some extent of leaders such as Desmond Tutu and Manas Buthelezi, who had also been SACC president. Such a view also meant different things for different people. For some in the DRC, any kind of public theology that engaged politics was to be avoided, given the sins of the previous dispensation.

There was no clear ecumenical consensus on what the churches should be *for*, following the previous united effort in standing *against* apartheid (De Gruchy & De Gruchy, 2005:219). “It is obvious,” writes Smit, “that the ways in which we addressed public issues during the years of struggle prophetically, claiming authority—are no longer applicable in a secular, democratic, pluralistic society” (Mouton & Smit, 2008:51). The SACC did attempt to provide leadership for churches, and a joint consultation was held in 1995 with the World Council of

Churches at Vanderbijlpark, with a follow-up conference a year later.<sup>273</sup> Steve De Gruchy mentions some of the issues discussed: locating the South African church in the global and regional context, rethinking church and state relations, human values, culture, ethnicity, race and gender, and national security and the global arms trade; also African culture, the land, morality, values, reconciliation and koinonia (2005:228). Several proposals for the theological agenda presented themselves over the course of the decade following 1990, especially with regard to the most appropriate approach to public morality. These discourses can be mapped together with the different discourses on nation-building (national identity, national reconciliation, national economic reconstruction, growth and development, national moral renewal) and democracy since 1990. These included a ‘theology of reconstruction’; an “ethics of responsibility”; a theological focus on democracy; a focus on healing the nation, development, South African Black Theology, and others.<sup>274</sup>

### Truthfulness and Justice

Another way to contour the imaginative constructs of the theological landscape and the constituting of truthfulness in the time of the political transition to democracy is to focus on how *justice* has been conceived in Reformed theology. The inseparable nature – both

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<sup>273</sup> Cf. Villa-Vicencio, C & Pityana, B. (eds.) 1995. *Being the Church in South Africa Today*. Johannesburg: SACC.

<sup>274</sup> For more on a theology of reconstruction see Villa-Vicencio (1992), Villa-Vicencio & Niehaus (1995) and Botman & Petersen (1991). For a critique on this theology, see Tinyiko, M. 1994. The Proposal for a Theology of Reconstruction: A critical appraisal. *Missionalia*, 22(3), November: 245-258. Maluleke is critical of the use of “transformation” and “reconstruction”, as he believes this pacifies the victims and rationalizes the inequalities. He fears that this drowns the “frameworks, starting points, solidarities and commitments” of Liberation Theology, Black Theology, and African Theology (1997b:337). For work on an ethics of responsibility, see De Villiers, D.E. 2003. Christian Ethics of Responsibility and dealing with public morality. *Scriptura*, (82): 23-38. Here De Villiers argues that improving the conceptual cogency of an “Ethics of Responsibility” can help deal with this public morality and proposes several ways: both individuals and denominations taking own responsibility, taking the concrete context seriously, taking role responsibilities seriously, and taking consequences of decision and actions into account (De Villiers, 2003:33-38). See also De Villiers, D.E. 2005. The vocation of Reformed ethicist in the present South African society. *Scriptura* (89): 521–535. For more on a theological focus on democracy see several publications dealing with democracy in this time: De Gruchy, J.W. 1995. *Christianity and Democracy: A Theology for a Just World Order*. Cape Town: David Philip; Lategan, B. & Kinghorn, J. & Du Plessis, L. & De Villiers, E. 1987. *Die keuse vir ‘n inklusiewe demokrasie: ‘n teologies-etiese studie oor toepaslike gemeenskapswaardes*, Stellenbosch: Sentrum vir Hermeneutiek; Nürnberg, K. (ed) 1991. *A Democratic Vision for South Africa: Political Realism and Christian Responsibility* (NIR Reader No.3). Pietermaritzburg: Encounter Publications; Wyllie, J. & Nyobole, V. & Britton, S. *The Good Society: Bible Studies on Christianity and Democracy*. Diakonia. For a focus on healing see Botman, H.R. & Petersen, R.M. (eds.). 1996. *To Remember and to heal: Theological and psychological reflections on the Truth and Reconciliation*. Cape Town: Human & Rousseau. For more on South African Black Theology, see the *Journal of Black Theology in South Africa*.

conceptually and historically – of justice and reconciliation has been made clear in the previous chapter. While it is clear that *restorative justice* has been promulgated as the appropriate marriage of these two ideals, some further contouring in the theological landscape might highlight again why justice as social analysis cannot be separated from justice as theological truth.

Christian faith does not have its own theory of justice (Smit, 2009b:349). That is not yet to say that there is no witness regarding justice. Different traditions have viewed questions of justice from different theological perspectives, such as salvation (typically Reformed tradition) and from creation (Smit, 2009b:349).<sup>275</sup> Instead of constructing a separate theory, Smit argues, Christian faith rather either affirms or rejects legal theories and practices in accordance with Christian perspectives, notably with resulting disagreements in the Christian church (Smit, 2009b:349). The TRC presented an apt case study for how law and morality relate to one another, exemplified in the controversies and conflicts about how truth and justice relate to one another. This perspective on justice, is well articulated in the witness of Russel Botman and the World Communion of Reformed Churches (WCRC).

Botman has been credited for his witness to justice in his response to the *Joint Declaration on the Doctrine of Justification* (JDDJ), produced by the Lutheran World Federation and the Roman Catholic Church to acknowledge their joint understanding of the doctrine of justification.<sup>276</sup> While WCRC associated themselves with the JDDJ by signing the *Association of the WCRC with the Joint Declaration on the doctrine of Justification* at their General Council in 2017, it was Botman who raised the concern of separating doctrine and ethics, justification from justice, at an earlier meeting of the WCRC (then World Alliance of Reformed Churches) in 2001 in Ohio.<sup>277</sup> Botman was concerned that justice could not be a mere application of the doctrinal truth of justification. While he raised other concerns, Vosloo argues that this lays at

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<sup>275</sup> Smit refers to a few theologians, including Barth, Niebuhr, Boesak and confessions, including Barmen, Belhar, Debrecen, and Accra (Smit, 2009b).

<sup>276</sup> The Lutheran World Federation and the Roman Catholic Church [Online]. 2000. *Joint Declaration on the Doctrine of Justification*. Available: <https://www.lutheranworld.org/sites/default/files/Joint%20Declaration%20on%20the%20Doctrine%20of%20Justification.pdf>. [2019, January 20].

<sup>277</sup> This background is included (without the mention of names) in the Association document, see *Association of WCRC with JDDJ* [Online]. Available: online <http://wcrc.ch/wp-content/uploads/2017/10/WCRC-Association-to-JDDJ-EN.pdf>. [2019, January 20].

the heart of his critical engagement (Vosloo, 2018:164). Botman writes, “To affirm a doctrinal statement that relinquishes the *doctrinal* connection between justification and justice would be a betrayal of everything that Christianity has learned about justification after Auschwitz and apartheid” (Botman, 2002:15).<sup>278</sup> Botman was able to draw from observations that had been part of the theological fabric in South Africa, at least since the Belhar Confession’s insistence on justice. The document of association thus clarifies these Reformed convictions under the heading “we wish to underscore the integral relation between justification and justice”, and also quotes from the Belhar Confession and the Accra Confession to make this point (Association of WCRC with JDDJ, n.d.).<sup>279</sup> The document makes mention in this section that in the New Testament, the same Greek term (δικαιοσύνη, dikaiosyne) is used to convey both justice and justification (confirmed in the International Reformed–Catholic Dialogue, *Justification and Sacramentality: The Christian Community as an Agent of Justice*). They refer to Calvin’s insistence that justification and sanctification are inseparable (Institutes, III.2.1). A clarification of the relation between “justification and social ethics” is also given by stressing the Reformed emphasis on the sovereignty of God over all creation, that “All of God’s covenantal acts are acts of justification and justice,” that “our understanding of justice has been obscured and our enactment of justice hampered by our sin” and so, as stated in the document *Communion: On Being the Church* (with the Lutheran World Federation), “There is no area in life, indeed in all creation which does not belong to Jesus Christ who sends us into all the world to be a sign of God’s kingdom to preach and live the gospel of reconciliation in a common

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<sup>278</sup> For other publications on the link between justice and justification, see Conradie, E. 2017. *Om Reg te Stel – Oor Regverdiging én Geregtheid*. Wellington: Bybelmedia.; Vosloo, RR. 2018. Rechtfertigung und Gerechtigkeit? Überlegungen zur Positionierung einiger südafrikanischer Reformierter in die ökumenischen Gerechtigkeitsdebatte. *Globale Wirkungen der Reformation* (Handbuch Sozialer Protestantismus, Band 11). Leipzig: Evangelische Verlagsanstalt. 164-179; Smit, D.J. 2009. Justification and Divine Justice, in M. Weinrich & J.P. Burgess (eds). *What is Justification about?* Reformed Contributions to an ecumenical theme. Grand Rapids: W.B. Eerdmans Publishing Co. 88-121. In 1993 the sermon commentary, *Woord teen die Lig*, written by and popular amongst Afrikaans Reformed theologians chose as its theme, “Riglyne vir die prediking oor regverdiging en reg” (Guidelines for the Preaching on Justification and Justice). “The Christian church cannot and must not be silent about matters of public concern, matters that determine and increasingly will determine, the social fabric, the quality of life in our society” (Burger, Müller and Smit, 1993).

<sup>279</sup> From the Belhar Confession it quotes that in Christ, God is revealed “as the one who wishes to bring about justice and true peace among people ... We reject any ideology which would legitimate forms of injustice and any doctrine which is unwilling to resist such an ideology in the name of the gospel” (paragraph 4) (Association of WCRC with JDDJ, n.d.). From the Accra Confession: “God has brought into being an earth community based on the vision of justice and peace.... Jesus shows that this is an inclusive covenant in which the poor and marginalized are preferential partners, and calls us to put justice for the ‘least of these’ (Mt 25.40) at the center of the community of life. All creation is blessed and included in this covenant (Hos 2.18ff)” (Association of WCRC with JDDJ, n.d.).

concern for justice, freedom, peace and care for the creation” (Association of WCRC with JDDJ, n.d.). The Association document further states that “true worship of God finds concrete manifestation in striving for justice and righteousness in society” and that the doctrine of justification is of vital importance for the Reformed, as “we view it as being in essential connection with other doctrines” (Association of WCRC with JDDJ, n.d.).

In a reflection on this relationship between justification and justice, Vosloo concludes “A liberating theology of grace will affirm that justification without justice is cheap, and that justice without justification is merciless” (Vosloo, 2018:179). Smit, who has drawn on Calvin and Barth in many instances to also substantiate this theological emphasis, again articulates the theological connection with legal justice that is more than morality when he writes,

For Christian faith, the complex relationship between *reg* (Recht, law) and *geregtigheid* (Gerechtigheit, justice) is only properly considered when their relation to *regverdiging* (Rechtfertigung, justification) also comes into view. From this perspective, is divine revelation and will perhaps not primarily about morality, including national law, but about radical reversal through justification, grace, unconditional acceptance, forgiveness and thus radically new affirmation? From this perspective, which is certainly the perspective of Protestant theology, the crucial questions are not about law and morality, but about law and theology, about law and faith, about law and gospel, about justification and justice, about divine justice and human justice (Smit, 2009b:348).

Another way of expressing such an emphasis on justice is a designation chosen by the widely respected public theologian and Reformed scholar, John De Gruchy. He defines himself, based on his Reformed tradition, as a *Christian Humanist*.<sup>280</sup> This self-understanding, developed in this time of modernity and post-modernity in South Africa, helps to escape the dualism of the absolutism-relativism divide when speaking about truth, and also connects it to *justice* as a measurement for being truthful. For De Gruchy, this term has the capacity to affirm rational faith and to engage critically with truth, while maintaining the importance and the authority of the gospel contained in the Bible. The truth that Christians that were opposed to apartheid or

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<sup>280</sup> De Gruchy identifies the Reformers such as John Calvin, Huldrych Zwingli and Martin Luther as products of Christian humanism, and retrieves the legacy of Christian humanism from those involved in public life; those who could today be labelled as ‘public theologians’ (De Gruchy, 2006:27).

Nazism confessed was done not to demonstrate doctrinal purity, but “for the sake of the wellbeing of the world,” writes De Gruchy (2006:184). Thus, “to deny Christ, meant denying humanity ... to affirm the truth of the gospel ... meant affirming humanity, expressing solidarity with the victims of injustice, and affirming the good and great in culture, and thus standing with those secular humanists who stood for the same values” (2006:184). In this sense, truthfulness means interpreting what an ‘absolute’ like truth, goodness or beauty means within a context; that speaking truth, could mean speaking the justice demanded by humanism. For De Gruchy, being human is an inescapable context, and therefore ensuring justice for all humankind, foundational.<sup>281</sup> “So the designation Christian humanist,” De Gruchy writes, “helps me to identify myself as Christian but not fundamentalist, ecumenical rather than narrowly denominational, and fully engaged with others, not least secular humanists, in making the world more humane, just and compassionate” (De Gruchy, 2004:12).<sup>282</sup>

## Conclusion

These perspectives have mapped some of the important contours of how truthfulness has been constituted in the public witness of the Reformed churches, tradition and faith in South Africa. Some brief historical contours have been drawn of how truthfulness regarding justice and reconciliation have been discerned using different imaginative constructs. It has also demonstrated the theological contours of justice as more than mere morality. It has been a display of De Gruchy’s insight, that “To pray for an end to unjust rule is not twisting God’s arm to do something he had not previously thought to do; it is placing oneself at his disposal in the struggle for justice” (1986:37).

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<sup>281</sup> In exploring the task of public theology in 2004, shortly after the launch of the Beyers Naude Centre for Public Theology, Smit draws on various perspectives about the humanity of God, particularly in Calvin and Barth. He finds in Barth the affirmation of God’s *deity* precisely in his *humanity*. See Smit, D.J. 2007. No ulterior motive – and public theology? in D.J. Smit. *Essays in Public Theology: Collected Essays 1*. Stellenbosch: Sun Press. 139-155.

<sup>282</sup> ‘Liberalism, communism, and humanism’ were labelled by the National Party and the Dutch Reformed Church as three signs of the anti-Christ during apartheid. The danger of this, de Gruchy writes, is that it creates an atmosphere which breeds anti-humanist tendencies that can and have in the past led to dehumanizing actions – Nazism, Fascism and apartheid (De Gruchy, 2006:79).



#### 4.4. Embodying Truth-telling for Justice: Confession

*A pertinent contextual theological question to be addressed in contemporary South Africa concerns the kind of theological and ethical praxis that is required to enable sincere, lasting and significant repentance*

(Villa-Vicencio, 2002:12)

*When I speak of my Christian or Reformed identity, I need to acknowledge my privileges and find a way to deal with them. In doing so, I must not only take responsibility for my own personal failures but also for my contribution to the collapse of Babel. As Reformed Christians, our confession of faith always begins with a confession of sin*

(De Gruchy, 2007)

#### **Introduction**

The previous sections have reflected on the complexity of both the content and the manner of how truth and truthfulness have been understood. One way of understanding how this has been embodied as truth-telling, is to continue to reflect on the practice of confession that has been demonstrated to bring together ascribing truth and constituting truthfulness.

A defining characteristic of the South African TRC, and indeed a point of deep contention and critique, has been the moral authority centered on the Christian plea for forgiveness, and on restorative justice as a characteristic of traditional African jurisprudence. While the legal mandate did not require full emotional self-avowal or signs of remorse from perpetrators to receive amnesty, there was significant emphasis on such a reconciliation ethic. This raises the question of truth-telling as confession.

As demonstrated in the previous chapter, scholars such as Krog attribute much of the forgiveness and reconciliation ethic to the African sense of interconnectedness, rather than to Christianity. Furthermore, the work of Foucault has invited deeper reflection on the value of the practice of confession through a genealogy of avowal in Christianity. What is more, comparative studies of various TRC case studies, such as one between *the “Pepco Three”*, the *“St James Church massacre”*, and the *“Gugulethu seven”*, have shown that reconciliation between individuals is not possible without the exchange of both remorse (confession of guilt)



and forgiveness (Kobe, 2014:94). Embodying truth-telling is thus located here. A historical-descriptive approach is taken to look at truth-telling as confession in the South African landscape, before turning to a deeper conceptual understanding in Bonhoeffer.

## Pre-TRC

The subject of guilt and confession stood central in the ecumenical church struggle against apartheid in South Africa prior to the final political death of apartheid. Two resolutions taken by the South African Council of Churches (SACC) in 1985 and 1987, the *Call for a confession of guilt by white Christians in South Africa* and *A Confessing Church*, led to the Conference on the Confession of Guilt, held in Soweto on 13 to 15 March 1988. The theme of the conference arose from several convictions. Firstly, the “truth that the ‘confession of guilt,’ repentance (‘metanoia’) is fundamental to the nature of Christian life”. Secondly, the social context of apartheid called for deliberation on the meaning and implication of the aforementioned conviction. Thirdly, they believed that repentance and acknowledgement of guilt was necessary for “breaking through the log-jam of hatred and bitterness caused by apartheid”. Lastly, the belief that “repentance leads to new life” (Masemola & Mabuza & Finca & Botha, 1989:3). The conference was not intended as a once-off opportunity for confession, but rather an invitation to member churches to discern their role in confessing guilt, which they acknowledge as a “process, on different levels” (1989:9). Confession was also a major theme at the Rustenburg Conference and the Cape Town Consultation in the years that followed shortly after. In May of that year the SACC member churches also launched the *Standing for the Truth Campaign*, as a way of identifying the churches with the Mass Democratic Movement (MDM) that was partaking in a series of illegal mass protest rallies, marches and strikes (De Gruchy & De Gruchy, 2005:206).<sup>283</sup>

In November 1990, The National Conference of Church Leaders met in Rustenburg as a “united Christian witness in a changing South Africa” (Alberts & Chikane, 1991:10). It was a response to the political developments to abolish apartheid, and it gave birth to the Rustenburg Declaration.<sup>284</sup> This gathering was of historical significance, “not comparable to any other in

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<sup>283</sup> See the SACC Pamphlet, ‘Standing for the Truth’ (1991).

<sup>284</sup> The conference was given impulse by the Christmas address in 1989 of the State President FW de Klerk who appealed to the Church in South Africa to formulate a “strategy conducive to negotiation, reconciliation, and change” (Alberts & Chikane, 1991:14).

contemporary history” (Alberts & Chikane, 1991:10), as it was thoroughly ecumenical, “from Catholic to Calvinist to Charismatic” (Alberts & Chikane, 1991:9).<sup>285</sup> Some viewed it as the most significant united witness of the Church in South Africa since the Cottesloe Consultation in 1960 (1991:15). Desmond Tutu called it “a miracle” (1991:20). The presence of Beyers Naudé, who was a key participant in the Cottesloe Consultation, provided a further link with Cottesloe (De Gruchy & De Gruchy, 2005:210). Its significance also lay specifically in “the birth of a spirit of humility and confession among Church leaders” (1991:9) and is therefore remembered – at least by the co-chairmen of the conference – for “the many confessions made by various denominations – most notably, by the Dutch Reformed Church – of complicity with apartheid and the need for repentance” (Alberts & Chikane, 1991:13).<sup>286</sup> It has even been called “The Conference of Confessions” due to its strong focus on repentance of the past (1991:16). The notable confession from the DRC came from W.D Jonker:

I confess before you and before the Lord, not only my own sin and guilt, and my personal responsibility for the political, social, economic and structural wrongs that have been done to many of you, and the results of which you and our whole country are still suffering from, but vicariously I dare also to do that in the name of the DRC of which I am a member, and for the Afrikaans people as a whole. I have the liberty to do just that, because the DRC at its latest synod has declared apartheid a sin and confessed its own guilt of negligence in not warning against it and distancing itself from it long ago (Jonker, 1998:204).<sup>287</sup>

At Rustenburg, Desmond Tutu responded to Jonker’s confession, boldly claiming forgiveness for the committed sins. The event was publicized internationally and received both widespread

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<sup>285</sup> According to Chikane, 90 per cent of the Christian community was represented at the Conference; roughly 230 Church leaders from 80 denominations and 40 para-church organizations met together (1991:10).

<sup>286</sup> The confession by Willie Jonker as member of the DRC was not offered as an official delegate of the DRC. He was convinced that he had to be the one to offer the confession, as the official church leaders of the DRC were not mandated to offer such an apology. The Dutch Reformed Mission Church (now the Uniting Reformed Church of Southern Africa) and the Dutch Reformed Church in Africa were critical of the official status of Jonker’s confession as seen in the statement made by these two churches (Alberts & Chikane, 1991:261).

<sup>287</sup> Jonker describes his experience, “Terwyl ek na aarsbiskop Desmond Tutu en die ander sprekers van die middag en aand geluister het, het die oortuiging by my gegroei dat daar ‘n groot stuk skuld tussen ons en die ander mense in die land staan. ... Langsamerhand het die oortuiging by my posgevat dat ons as die NG Kerk nooit in die regte verhouding tot die ander kerke en Christene in ons land sou kon kom, as ons nie die moed het om openlik en in die openbaar belydenis te doen van ons aandeel aan die onreg van die verlede en die verwydering wat daardeur ontstaan het nie” (Jonker, 1998:202). He describes the tension and anxiety, but also strength of conviction, that he held prior to the confession: “ek moet dit doen; ek het geen keuse nie” (Jonker, 1998:203).

praise and critique from different parties.<sup>288</sup> Some felt that the confession was an easy pass, with no accountability, and that neither Tutu nor Jonker could confess or forgive on behalf of others. Voices from the DRC mission churches carried this sentiment.<sup>289</sup> Due to doubt expressed about the authenticity of the confession, Pieter Potgieter, in his capacity as an official delegate from the DRC was given a chance to speak the following day, and expressed wholehearted support for Jonker's confession. Tutu then responded again, and in his words a clear picture of his theology that would later shape the practices of the TRC emerge:

God has brought us to this moment, and I simply want to say that I am deeply humbled, and I speak only for myself. I cannot, when someone says, 'Forgive me', say 'I do not'. Our brothers in the Dutch Reformed Church came to me and said: 'It is going to be up to us to show the genuineness of what we have said, in actions.' But my Church has to confess too. My Church has to confess its racism. I have to confess as a black person. ... What is my share in our common sin? And I pray we will all know that we are being led by a gracious God, the God of grace, and that we will see God putting us at the start of wonderful things for this land. Pray God that we will respond to Your grace graciously (Alberts & Chikane, 1991:101,102).

The subsequent diplomatic reaction from the DRC leadership is telling, however, as it clearly displayed that there was no clear theological stance taken in support of Jonker's confession (Jonker, 1998:202).

Of course, public confession of guilt can in itself also be a form of prophetic witness, when done publicly. The influential confession by Willie Jonker at the Rustenburg Consultation is such an example. Even though this confession was "not typically his brand of prophecy," his confession was an outpouring of what he believed to be true prophetic witness: "...to live from God's truth, justice and reconciliation, or order to create, embody, a truthful, just and reconciling society" (Lombard, 2013:283).

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<sup>288</sup> See the New York Times article: [accessed 16 November 2018] <https://www.nytimes.com/1990/11/07/world/afrikaner-cleric-asks-blacks-to-forgive.html>

<sup>289</sup> De Gruchy recalls the Vereeniging Consultation, held in March 1989, in which representatives of all the churches in the DRC family discussed the political changes and their unity. The sentiment that the DRC was still "dragging its feet in rejecting apartheid" was also evident in the critique of Jonker's statement (De Gruchy & De Gruchy, 2005:211). Also see Bax, D. 1989. The Vereeniging Consultation. *Journal of Theology for Southern Africa*, (68), September: 61-73.

The call for confession of guilt also came from many other voices at the Rustenburg Consultation. In his address John De Gruchy makes a strong case for confession of guilt as a central task in ‘Understanding the Church Situation and Obstacles to Christian Witness in South Africa,’ as the title of his response reads. He states,

At the heart of our witness lies the need for the Church to repent and be transformed; the need for the Church to both acknowledge its own guilt, and to take upon itself the guilt of the nation. It is totally inadequate, if not hurtful, for us who are whites in South Africa to say that now at last apartheid is dead, let us forgive one another and forget the past. How superficial and callous this is! True repentance and the acceptance of our guilt requires far more. It requires, as part of our witness, a commitment to engage in acts of restitution, to right centuries of wrong. When the Church in South Africa speaks and acts clearly on this issue, then its witness will become truly authentic and redemptive (Alberts & Chikane, 1991:120).

De Gruchy makes a theological argument for understanding the “public...contextually specific” dimension of sin, as opposed to something private. This includes mission and evangelism where people are “saved from their power and restored to their dignity as human beings in community with others”. Herein he relates the prophetic task of the church contextually to “the pastoral and evangelical task of human liberation and transformation,” as witnessed in Jesus’ ministry. He draws on the Gospel of Luke, emphasizing the focus on those who are “victims of society, its cruelty, callousness and inhumanity,” calling this also the “hermeneutical key which enables us to discern the Word of God for us today” (Alberts & Chikane, 1991:118,119).

Drawing on the admonition to “speak the truth in love” in Ephesians, De Gruchy also emphasizes the need for honesty in ecumenical conversations as essential for any work of Christian witness. “For the sake of both the Gospel and the future of South Africa, we must speak honestly to each other, for only in this way can we begin to affirm our unity in Christ and bear a witness to Christ” (Alberts & Chikane, 1991:110). This is also strongly emphasized in the address of Beyers Naudé, calling for “honest admission” of differences and a frank expression of the deepest feelings of wanting to discern “The Role of the Church in a Changing South Africa,” as his title reads (Alberts & Chikane, 1991:221). “Truth demands that we, as representatives of the Church of Christ, acknowledge and face such differences and attempt to resolve them in and through our discussions, prayers and fellowship” (1991:222,223). De

Gruchy reminds those gathered of the Word of God as a ‘two-edged sword’ which cuts through “our pretense, hypocrisy, and self-interest”. He continues, “If we are not willing to be open to that possibility, irrespective of who we are and where we come from, then it is unlikely that we will really hear the Word of God speaking to the Church in South Africa today” (Alberts & Chikane, 1991:117).

Naudé gives a strongly worded plea for penitence and restitution as necessary for reconciliation. The issue, he contends, is the pursuit of justice “based on the biblical command of the acknowledgement of guilt where this is needed, or repentance and of restitution”. He raises the question of what such a confession of guilt really implies, aware of that it would be “a very painful process”. Interestingly he makes mention of the Stuttgart Declaration, calling it “incomplete” and insisting that any confession would have to be “comprehensive and specific,” and would have to be made by all the Churches in South Africa. He reserves a special mention for the Dutch Reformed Church, because they “were responsible for asking for specific laws and actions in order to promote and strengthen the policy of apartheid”.<sup>290</sup> He also urges the DRC for an apology to the World Council of Churches (WCC) “for the serious wrong which it did to this world ecumenical body in 1961” when it decided to leave the WCC after the decisions taken at the Cottesloe Consultation.<sup>291</sup>

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<sup>290</sup> “Would it not be possible for the family of Dutch Reformed Churches who, because of their particular relationship to the history of the Afrikaner and apartheid, to take the lead? The DRC could consult the widest possible representation of the black community and organize a gathering at, for example, Blood River, Bloemfontein or the Voortrekker Monument to make their confession of guilt known to all the people of our land. This could be a deeply moving gathering where forgiveness would be asked and where such forgiveness has also to be accepted by the other side if there is a sincerity on the part of us as Christians in wishing to achieve true reconciliation” (Alberts & Chikane, 1991:227).

<sup>291</sup> In 2016 the Dutch Reformed Church again became a member of the WCC. Cf. Kenny, P. 2016. Reinstatement of South Africa’s Dutch Reformed Church likened to return of the prodigal son. *World Council of Churches* [Electronic], 13 October. Available: <https://www.oikoumene.org/en/press-centre/news/reinstatement-of-south-africa2019s-dutch-reformed-church-likened-to-return-of-the-prodigal-son/> [10 October 2018].; And Jackson, N. 2016. NG Kerk word volle lid van die Wêreldraad. *Kerkbode* [Electronic], 27 June. Available: <http://kerkbode.christians.co.za/2016/06/27/ng-kerk-word-volle-lid-van-die-wereldraad/> [10 October 2018].

The DRC also regained its membership of the World Alliance of Reformed Churches (now World Communion of Reformed Churches) in 1998, following a statement by the DRC in which the church denounced apartheid as wrong and sinful in its fundamental nature, effects and operations. The suspension of the DRC, that was issued in 1982, was lifted. Cf. Henriksson, L. 2013. Many Good Words – Little Action? The World Alliance of Reformed Churches and the “South Africa Question”, 1960-1990. in M.A. Plaaitjies-van Huffel & R.R. Vosloo (eds.). *Reformed Churches in South Africa and the Struggle for Justice: Remembering 1960-1990*. Stellenbosch: Sun Press. 359-371.

The final Rustenburg Declaration drawn up at the end of the consultation also contains a confession of guilt, as signatories stated: “We confess our own sin and acknowledge our part in the heretical policy of apartheid which has led to such extreme suffering for so many in our land” (Alberts & Chikane, 1991:227). They spell this out and continue to state,

We know that without genuine repentance and practical restitution we do not appropriate God’s forgiveness and that without justice true reconciliation between people is impossible. We also know that this process must begin with a penitent Church. We therefore confess that we have in different ways practiced, supported, permitted or refused to resist apartheid (1991:227).

The content of their confession expands by making mention of (i) a misuse of the Bible; (ii) preaching the sufficiency of individual salvation without social transformation; (iii) failure to change oppressive church structures; (iv) perpetuated benefit “unwilling to suffer, loving our comfort more than God’s justice and clinging to our privilege rather than binding ourselves to the poor and oppressed of our land”; (v) a victim’s confession of failure to act as Church, including an indifference to suffering, a failure to oppose oppression, and acting with revenge; (vi) sexism of males; (vii) prevention of youth from full participation in the life of the Church, and acknowledging conflict amongst youth; (viii) allowing the world rather than the Gospel to mold them. This confession is ended by asking for forgiveness, and a call upon members of Churches to make the confession their own. They also call upon the Government to join them in a “public confession of guilt and a statement or repentance for wrongs perpetrated over the years” (1991:279).

Despite the Rustenburg Conference being such a landmark event, the implementation of the decisions has been critiqued. Nico Smith, in his testimony before the TRC, stated, “Rustenburg was a wonderful conference, but not much crystallized out of it. If you read those beautiful decisions we had taken, very few if any were really implemented” (Du Toit, 1998:47).

The “vicarious” apology offered by Jonker also raises the question of the validity of communal confession and whether confession of guilt can be admitted, and apology sought, on behalf of a group or in this case a denomination or entire cultural or race group such as “the Afrikaans people as a whole”. The DRC did offer its own collective confession of guilt for supporting apartheid on theological grounds in its document *Kerk en Samelewing* (1986), but only when it was revised and accepted in its final form at the DRC General Synod meeting in October



1990 in Bloemfontein (Jonker, 1998:196).<sup>292</sup> This was repeated in their document published in 1997, *The Story of the Dutch Reformed Church's Journey with Apartheid, 1960-1994*.<sup>293</sup> Herein, the DRC acknowledges their deep involvement and support of apartheid, and that this journey has come to an end.<sup>294</sup> Some have raised the question whether this was really an adequate confession; truth-telling that categorically spoke to the injustices of apartheid (Botman, 1999:130). Botman demonstrates how problematic such acknowledgement can be, when it is done without *recognition*. This DRC statement, according to Botman, does not display recognition “of the inherent gross violation of human dignity which is in every act of apartheid” (1999:130). It leads Botman to state that, “The DRC has thus not recognized its own

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<sup>292</sup> Jonker praised his church for this bold step and expresses his gratitude that there was comparably less reluctance than seen in the Evangelical Church in Germany (EKD) in response to Nazism (Jonker, 1998:197). Jonker admits how he was influenced by Johan Botha, one of his former students, on the theology of confessing guilt (Jonker, 1998:201). Botha completed his doctoral thesis in 1989 (under supervision of D.J.Smit, J.J.F Durand and J.W. De Gruchy) titled “Skuldbelydenis en Plaasbekleding – ‘n sistematiese teologiese ondersoek na die rol van die skuldvraag in die denke en praxis van Dietrich Bonhoeffer tussen die jare 1924-1945”. Botha offers a comprehensive study on what he terms the *skuldvraag* [guilt-question]. This research argues that the question of guilt is the fundamental motive that needs to be discerned in order to comprehend the coherency and impulse of the thought and praxis of Bonhoeffer. The guilt-question is an umbrella term that Botha uses to refer concepts related to *skuldbelydenis* (confession of guilt) and to *plaasbekleding* (*Stellvertretung*, “vicarious representative action”): amongst others, guilt, sin, original sin, temptation, *status corruptionis*, judgment and punishment; penance, absolution, forgiveness, reconciliation, restoration (Botha & Smit, 1991:87). What makes Botha’s study of particular interest and relevance is the context in which he was motivated to pursue this research. Botha mentions the theological responses to apartheid during the 1980’s, particularly in relation to the Belhar Confession, and the various references to confessing guilt by theologians, W.D Jonker and D.J. Smit (Botha & Smit, 1991:88).

<sup>293</sup> Already in 1982, an “Open Letter” was published in *Die Kerkbode* that offered an explicit and concrete condemnation of apartheid and called for the visible unity of the church. This letter by a group of 123 DRC clergy and ordinands contained a confession of guilt. They confessed their failure in living out the unity of the church and complicity in addressing the reprehensible social state of South Africa (Bosch, König, Nicol, 1982:16). This confession was critiqued by black Christians for not starting the letter with a confession, and skepticism was expressed that this letter would only give black Christians false hope and would merely serve to pacify and maintain the status quo (Bosch *et al*, 1982:97). The collective guilt of all white people is acknowledged in a reflection on this reaction. “Dit is onontwykbaar dat alle Blankes medeskuldig is aan die onreg in ons land, want ons trek almal voordeel daaruit, en werk almal gedeeltelik daaraan mee omdat ‘n mens jou eenvoudig nie aan al die prosesse wat die bestaande orde bevestig, kan onttrek of altyd teen die prosesse kan werk nie” (It is unavoidable that all Whites are guilty of the injustices in our country, because we all benefit from it, and all contribute in part because one simply cannot withdraw oneself from all the processes that uphold the existing order or cannot work against the processes) (Bosch *et al*, 1982: 98).

<sup>294</sup> Cf. Van der Merwe, J. 2011. Kerk en Samelewing 25 jaar later: Was die kool die sous werd? (Church and Society 25 years later: Was it worth the while?). *Nederduitse Gereformeerde Teologiese Tydskrif*, 52(3 & 4), September: 565-575.; Du Toit, A. Revisiting Church and Society After a Quarter of a Century, in M.A. Plaaitjies-van Huffel & R.R. Vosloo. (eds.). *Reformed Churches in South Africa and the Struggle for Justice: Remembering 1960-1990*. Stellenbosch: Sun Press. 346-356.



role in the making of the mind of the perpetrator, or even the inherent evil of apartheid” (1999:130). A closer look at confession at the TRC provides further context.

### **Confession at the Truth and Reconciliation Commission**

Confessions of wrongdoing were not forthcoming at the TRC, especially from white Christians. The torture, pain, confusion and senseless suffering experienced by those considered victims was answered with confession and accountability only in highly exceptional instances (Slabbert, 2003:319).

The greatest ecumenical act of confession following Rustenburg was an open letter. In June 1997, just months before the Faith Communities Hearings, an Open Letter of Confession was drafted by colleagues at UNISA and sent to twelve thousand ministers and church leaders. Only 396 people responded by signing this letter (with 290 other responses) that was later submitted to the TRC, and presented as testimony by Nico Smith and Moss Nthla in the last session of the Faith Communities Hearings on 19 November 1997 (Du Toit, 1998).<sup>295</sup> In his testimony at the TRC, Smith states how he was convicted upon hearing other testimonies at the TRC that a mere confession without any consequences was not enough, and that pastors had a unique responsibility to confess. A follow-up conference to the letter was also organized by the Research Institute for Theology and Religion at UNISA. The letter mentions the specific examples “of our failure to be faithful to the gospel of reconciliation with God and our fellow human beings in Christ”. Reflecting on the content of the letter, Cornel du Toit states that the scenario the letter addressed was the “spiritualization of the gospel and the neglect of the churches’ social and political responsibility” (Du Toit, 1998:47). Several of the contributors to the letter and many of signatories were from the Reformed tradition. Nico Botha specifically mentions the Reformed Confessional tradition that he drew from in coming to the conviction to confess guilt. He writes,

The point I wish to advance is that my standing in a particular *confessing tradition* has made it slightly easier for me to participate in the confession at stake here. I want to argue that the confessional statements of Calvin and Luther, as well as the *three*

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<sup>295</sup> Smith apologises for the absence of Beyers Naudé, Nico Botha and Tinyiko Maluleke who were compilers of the letter but could not attend the hearing. The highest number of signatories came from the Methodist Church (97) and the second most from the Dutch Reformed Church (88). In his testimony before the TRC, Smith was clearly taken aback by the lack of response, stating “And if pastors are not willing to make a confession, how on God’s earth can they ever expect that the members must do so?” For the full transcript of the hearing, see [http://www.religion.uct.ac.za/religion/institutes/ricsa\\_irhap/ricsa/archive/trc\\_submissions](http://www.religion.uct.ac.za/religion/institutes/ricsa_irhap/ricsa/archive/trc_submissions).

*formulas of unity*, are not only about the *confession of faith*, but also about the *confession of guilt*. The Reformed tradition has taught me that even our most excellent works are, most of the time, not good enough (Du Toit, 1998:20,21).

The point is emphasized, against critique that confession should only be before God and need not be done in public, that confession in public and before brothers and sisters is to demonstrate a change of heart and to give credibility to the future work of those churches who explicitly or silently supported apartheid.<sup>296</sup> The witness of the Open Letter that confesses guilt is given incredible integrity through the inclusion of Beyers Naudé in its drafting committee. He can confidently be singled out as one of the most prominent white, Afrikaner, Christian voices opposing apartheid – even *he* felt the need to confess guilt. Piet Meiring acknowledges this in his response to the testimony, stating “If Oom Bey has to confess, what about the rest of us”.<sup>297</sup> Referring to the upcoming Faith Communities Hearings, Smith asks, “Is this going to be a second Rustenburg Conference? Many decisions by church leaders, no implementation? I put it to the church leaders” (Du Toit, 1998:47).

The case of the DRC and its engagement with confession before the TRC is also worth recalling. Christo Thesnaar, who draws mainly from various reflections in *Die Kerkbode* (the official newspaper of the DRC), distinguishes different understandings of confession in the DRC that surfaced during the TRC. Some believed that the DRC had nothing to confess in relation to apartheid, and the TRC did not concern the church. On the other hand, other members that felt confession of guilt *was* necessary, and these responses can be grouped in at least four categories: private or public, and individual or collective.<sup>298</sup> These divisions also reveal some convictions regarding public theology within these responses.

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<sup>296</sup> Several other objections to signing the letter are included in a reflection at the conference (Cf. Du Toit, 1998:48 – 51).

<sup>297</sup> Cf. Vosloo, R.R. 2005. Hospitality and Truth-telling: Revisiting the Witness of Beyers Naude, in L. Hansen & R.R. Vosloo. (eds.). *Oom Bey for the Future: Engaging the Witness of Beyers Naude*. Stellenbosch: Sun Press. 129-136. Vosloo draws on the legacy and witness of Beyers Naudé as a theologian who embodied the ability to live truth. He describes the need for “greater hermeneutical sensitivity and for a thicker theological description of reality” that arises from such an exemplary display of Christian action, while cautioning for an ever-present need to couple the confessional prophetic task of speaking truth with discernment (Vosloo, 2005).

<sup>298</sup> This categorization is not Thesnaar’s but incorporates his observations. This categorization is mirrored in other approaches, particularly in social identity theory and the work of Ken Wilber, who makes use of the All Quadrants All Levels (AQAL) approach. In a recent study on forgiveness in the South African context, Dion Forster has used this approach to highlight the need for a multifaceted understanding of how forgiveness functions in the internal life, the external life, the individual as well as the collective. Forster explains this theory, “According to integral theory, there are four irreducible perspectives that must be taken into account when attempting to

Some responses to the TRC reflect the conviction that confession is a private act (before God), and thereby also always an individual act. The TRC as *public*, governmental body was therefore not the place to confess, neither individually nor collectively. According to Thesnaar, this was due to a theological conviction that God alone can grant forgiveness (2013:393).<sup>299</sup> In Afrikaans media, the TRC was frequently referred to as the “Bieggkommissie” (confessing commission) and “Bieggbank” (confessing court), arguably casting a dismissive shadow over the public practice of confessing guilt (Botman & Petersen, 1996:10). This reflected a view especially amongst the white, Afrikaans population. Those critical of the confessions at the TRC could have been amongst those that argued for confession “within the church structures” (2013:394), whether individually or collectively. The most official public and collective attempt to confess within the church structures, was the DRC’s choice to issue its document, *The Story of the Dutch Reformed Church’s Journey with Apartheid: 1960-1994*.<sup>300</sup>

Moreover, some wanted to avoid *public* confession before others at the TRC because they believed it would deny the suffering of the victims of anti-apartheid violence (Thesnaar, 2013:394). It raises the question of what convictions lay behind this desire for moral equivalence (or justice for all victims, including those of anti-apartheid violence) at best, and cynicism at worst. Were (and are) such sentiments driven, ironically, by a desire for justice for white victims of violence, or a fear that confessing guilt would add to ignoring the potential guilt of others? This refusal of truth-telling by white (Afrikaans) Christians could be an ethical

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understand an aspect of reality. They are, the subjective (I), the intersubjective (we), the objective (it) and the interobjective (its). In its most basic form, the principle of integral theory expresses that everything can be considered from two basic distinctions: first: from an inner and an outer perspective; and second, also from an individual and a collective perspective” (Forster, 2017:5).

<sup>299</sup> This is confirmed in the findings in the study on forgiveness by Dion Forster. See Forster, D. 2017. *The (Im)possibility of Forgiveness? An Empirical Intercultural Reading of Matthew 18:15-35*. Stellenbosch: Sun Media.

<sup>300</sup> The DRC submitted their document *The Story of the Dutch Reformed Church’s Journey with Apartheid: 1960-1994* to the TRC (Cochrane *et al*, 1999:32). For full list of submissions by the DRC, see (Cochrane *et al*, 1999:192). Other symbolic acts can be recounted, notwithstanding their intention or impact, such as the General Synod meeting of the Dutch Reformed Church in 1994 being dubbed, “The Synod of Reconciliation” and welcoming Nelson Mandela as a speaker (Strauss, 2013). The complexity of considering such a collective is noted in an account of the submissions by faith communities to the TRC. “The answer to the question of who speaks for whom is never clear or unambiguous. In this way, however, faith communities are no different from other kinds of bodies and sectors that have testified before the Commission” (Cochrane *et al*, 1999:33).

choice and refusal to accept responsibility for ‘the other’. However, this refusal of public confession could also be due to a *theological* private-public distinction.

The question of the DRC’s participation in the TRC was discussed and debated in many forums and gatherings leading up to the Faith Communities Hearing (Meiring, 2003:251). Already in 1996, the DRC presbytery of Stellenbosch voluntarily come forward to confess as a collective. A part of their submission is included in Volume 5 of the TRC Report:

Eventually we did begin to see the error of our ways. And this is why the Lord brought us to these insights. That is why, in a formal resolution adopted in 1985, the Presbytery confessed our guilt for our actions during the apartheid era. Now that the work of the Truth and Reconciliation Commission is confronting us once again with the pain and grief endured by fellow citizens and fellow believers under the previous political dispensation, we feel the need to confess our guilt once again before God and before people. We feel the need to make this confession specifically at this session of the Truth and Reconciliation Commission, because it is here that people from our own vicinity are sharing the pain and grief that they have to live through (TRC Report Vol. 5, 1998: 386).

After much deliberation amongst the leadership of the DRC, Freek Swanepoel, moderator of the DRC at the time, did attend the TRC Faith Communities hearing on November 19, 1997. He did not claim to speak on behalf of all members of the DRC and acknowledged the division between those that supported the DRC’s appearance before the TRC and those that did not (Meiring, 2003:250).

Many believed the confession of the DRC at the TRC did not reveal much about a change of heart or a real commitment to take up responsibility for the decades of injustice in South Africa. Jonker also admits that the confession could have gone further, and that it does seem to leave room for interpretation of apartheid as sinful in its *functioning and implementation*, and not that it was in essence and in substance racist (Jonker, 1998:198).<sup>301</sup>

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<sup>301</sup> This is confirmed by the RICS report, “Even in their documents submitted to the TRC, the DRC continued to make a distinction between ‘good’ and ‘bad’ apartheid, arguing that they supported apartheid when applied with justice. In other words, apartheid was not evil or unjust in essence, but only became bad when it took on the character of an ideology” (Cochrane *et al*, 1999:37).

Elsewhere, Jonker writes about the implications of a confession of guilt about apartheid. He states that it implies a break with the past for the DRC and its “ingebedde bestaan as religieuse sektor van die volkslewe [Afrikaners]” (Jonker, 1991:99), acknowledging thereby their identity as the people of God, accountable to God for the church’s service to truth and for their witness to the world. It is a deliberate shift from civil religion (“volksreligie”) to a life of faith, from natural theology to the gospel of sin and grace (Jonker, 1991:99). He states clearly that it is not a shift dictated or inspired by political correctness or appeasement (making mention of the supposed propaganda of the so-called ‘communist-inspired’ World Council of Churches, the South African Council of Churches and liberation theology), but rather deep-seated wrestling with theological and moral considerations (1991:100). He highlights his evaluation of the DRC’s focus on salvation as something personal, a private sanctification, and that they did not give attention to the collective sin of the *volk* and to structural injustice in social and political life, being blinded in a process of self-secularization that normalized the exclusion of neighborly love from those of other races (Jonker, 1991:101). He believes they failed their priestly and prophetic tasks towards these neighbors; “gebrek aan profetiese suiwerheid en priesterlike bewoënhed” (1991:101). He stresses the collective nature of the necessary confession of guilt, while not abdicating personal responsibility but rather calling for personal participation in this confession.<sup>302</sup> He believes that within the church community, confession can be made vicariously (“plaasbekledend”), and that was what happened at Rustenburg – asking for forgiveness before God and others. These reflections invite some reflection on the contours of collective confession.

### **Contours of Collective Confessions**

These reflections have raised the issue of a collective confession of guilt. Collective confession of guilt has been thoroughly studied in cases such as post-World War II Germany (Govier &

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<sup>302</sup> As Smit has reminded us, this public act does not yet prove genuine contrition, true introspection, nor even a change of heart among individual believers and therefore a “personal, voluntary, private, subjective and spontaneous form” is necessary, amongst family members, spouses and friends, inter-personally (2007c:319).

Verwoerd, 2002:67).<sup>303</sup> *Der Schuldfrage* (translated as *The Question of German Guilt*)<sup>304</sup> written by the philosopher Karl Jaspers in post-World War II Germany, has been used by different scholars to reflect on guilt following apartheid - in 1993, before the TRC by the respected South African theologian John De Gruchy and recently in 2017 by Mia Swart in a contribution to the publication *The Limits of Transition: The South African Truth and Reconciliation Commission 20 years on*.<sup>305</sup> Both De Gruchy and Swart show that dealing with guilt always has a collective dimension. Swart argues that the notion of collective guilt amongst white South Africans is useful for those who lack consciousness of the debate on dealing with the past (Swart, 2017:149). De Gruchy writes, “What is at stake in analyzing and acknowledging guilt, and in choosing the path of purification, is nothing less than the restoration of our humanity as the key to the reconstruction of society” (De Gruchy, 1993:13). Swart also notes that the concept of collective guilt is inherently controversial, as seen in scholars’ reflections on post-Nazi Germany such as Hannah Arendt (Swart, 2017:147). Despite this, it does have popular appeal, and remains prevalent in macro narratives on reconciliation, reparation, and recognition (Germans for Holocaust, Europeans for colonialism, Americans for slavery, and whites for Apartheid).<sup>306</sup>

Jaspers dealt with the question of collective guilt in Germany by distinguishing between four different types of guilt: criminal, political, moral and metaphysical (De Gruchy, 1993:6). The criminally guilty are responsible for breaking the law and dealt with through punitive legal systems. The politically guilty are those citizens responsible for sustaining the reign of political powers. Jaspers was convinced that only political guilt could qualify as collective guilt (Swart, 2017:153). The morally guilty are those who can be held responsible for their moral decision

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<sup>303</sup> Cf. Von Kellenbach, K. 2013. *The Mark of Cain: Guilt and Denial in the Post-War Lives of Nazi Perpetrators*. New York: Oxford University Press. *The Mark of Cain* fleshes out a history of conversations that contributed to Germany's coming to terms with a guilty past. Cain's story links redemption with remembrance and suggests a strategy of critical engagement with perpetrators.

<sup>304</sup> Jaspers, K. 2001. *The Question of German Guilt*. Ashton, E.B. (tr.). New York: Fordham University Press. Piet Meiring also refers to work of Jaspers in Meiring, P. 1999. *Kroniek van die Waarheidskommissie. Op reis deur die verlede en die hede na die toekoms van Suid-Afrika*. Eugene, OR: Wipf and Stock. 62-63.

<sup>305</sup> De Gruchy delivered the Karl Jaspers Memorial Lecture at Oxford University, see De Gruchy, J.W. 1993. Guilt, Amnesty and National Reconstruction: Der Schuldfrage and the South African Debate. *Journal for Theology in Southern Africa*, 83, June:3-13. He was referring to the debate surrounding the transition to democracy.

<sup>306</sup> Bernard Schlink looks at the moral complexity that binds guilt and responsibility, also how past events can affect a whole nation – Cf. Schlink, B. 2010. *Guilt about the Past*. Toronto: House of Anansi Press.

to support immoral behavior, whether actively or passively. De Gruchy writes, “While a clear distinction can be drawn between political and moral guilt, there can be no radical separation of the two. Every German, like every South African today, thus had good reason for moral self-analysis. But in this instance the only possible judge can be conscience, and penance and reparation the only appropriate response” (1993:9). “Metaphysical guilt,” De Gruchy writes, “assumes that there is a solidarity between people which makes each co-responsible for everything unjust and all injustice in the world” (De Gruchy, 1993:9). Swart argues that moral, political and metaphysical guilt applies collectively to all white people who benefited from Apartheid, and those who continue to reap benefits (Swart, 2017:157).<sup>307</sup>

Swart highlights some valuable aspects about the emotion of guilt that substantiate this: collective guilt as emotion does not depend on individual culpability. This explains how it is not easily connected to personal avowal of wrongdoing. It is therefore different from criminal guilt (Swart, 2017:150). It can also be rooted in ongoing group-based inequality and is therefore not necessarily connected to past events (Swart, 2017:157).

An intergenerational view is particularly interesting for current debates in South Africa. According to Swart, collective guilt is more probable in successor generations that were not directly involved in injustices, as was the case in Germany (Swart, 2017:150). This guilt cannot be linked to active, harmful deeds of commission or omission (Swart, 2017:151). This guilt is most resisted and most controversial, especially by those that are skeptic of the concept of a ‘nation’ or other collectives. Even though the social truth that apartheid was a crime against humanity was widely established, acknowledged and accepted, also by white South Africans, there was no comparable consensus on who, or how, the guilty parties are to be established, much less made to contribute to recognition, reparation, and reconciliation.

A contribution on the moral considerations of the perpetrator by the late Russel Botman helps to demonstrate why *confession* of guilt, and not merely acknowledgment, matters. The TRC had a victim-centered focus, especially in how it sought restorative justice. Botman argues that this needs to include an explicit ethical focus on the perpetrator and that dealing ethically with

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<sup>307</sup> Cf. Meiring, P. 1999. *Kroniek van die Waarheidskommissie. Op reis deur die verlede en die hede na die toekoms van Suid-Afrika*. Eugene, OR: Wipf and Stock.



a perpetrator is an essential part of a victim-centred focus.<sup>308</sup> In light of this, he argues that the ethical framing of a perpetrator according to the TRC legislation leads to a superficial understanding of an ethics of responsibility, and thus also a shallow assessment of the effects of apartheid and the depth of the reconciliation process required (1999:112). The legislation defined a perpetrator explicitly as those who committed human rights violations, and importantly, those that qualified for amnesty as having a *political motive*. He describes how a narrow definition of a perpetrator is based on a mechanical and limited view of the human capacity for ethical decision making, thus forming a caricature of a perpetrator as someone with “no morality, personal will, individual spirituality of own viewpoint” (1999:113). It shortchanges them as individuals with personal integrity and the capacity for ethical decision making, thereby exchanging personal autonomy for the autonomy of party politics (1999:113). Botman acknowledges this as a break from how perpetrators were conceived in theological opposition to apartheid.

Beyers Naudé is cited as someone who exercised this individual capacity for ethical decision making, thereby demonstrating that such individual ethical responses are possible (1999:114). Botman states that this ability to make ethical decisions and to exercise responsibility is a gift from God, given to all, because they bear the image of God (1999:14). This is to reject a simple victimization theory that pacifies individuals as mere products of peer pressure, political loyalty or psychological stress (1999:114).

This has implications for how guilt is attributed to perpetrators, who Botman describes as more than mere “political machines or senseless ideologists” (1999:115). Guilt is not merely something that needs to be recognized, but also confessed. The amnesty provision, according to Botman, stops short of the Christian injunction for repentance and remorse, if only “full disclosure of all relevant facts” related to their actions (1999:15). He therefore proposes the task of recasting the perpetrator as a morally-ethical being. This would challenge a “political mechanics” that constitutes an ethical caricature of perpetrators (1999:15). This involves closing the gap between victim and perpetrator by recognizing the “intimacy” of their wrongdoing; that Cain is indeed his brother’s keeper (1999:115). He observes that the search for truth is thus essentially about understanding the ethical dimension of human identity and the human dignity at play in the striving towards reconciliation (1999:115).

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<sup>308</sup> Botman expresses this support in other reflections (Cf. Botman & Petersen, 1996:9-14).

Botman continues to expand on an ethics of obedience (*gehoorsaamheidsetiek*). He draws on the work of Dorothy Sölle in the context of post-Nazi Germany, who reflects on a distorted idea of obedience born from a disproportioned view regarding authority that undervalues the human capacity, making them dependent on authority. “The choice for obedience as tool for unlocking the truth about the apartheid past leads to an exaggerated elevation of political authority” (1999:116). The Christian response, according to Sölle and Botman, should thus be to resist such obedience; the “cardinal sin” in the eyes of such authoritarian thinkers (1999:116). Botman then turns to the concept of obedience in the theology of Dietrich Bonhoeffer to pick up the tension between resistance and loyalty. He draws on Bonhoeffer’s injunction that obedience to God should be understood in the context of God’s liberating action within history and does not mean observing the *status quo* (1999:116).

The TRC legislation therefore had a restrictive concept of obedience and ethics of obedience, according to Botman. “A more comprehensive ethics of obedience can only be seen by testing perpetrators of political loyalty against the perpetrators of political resistance” (1999:116). Botman makes the comparison with Bonhoeffer and Hitler, pointing out that to use the same measurement to judge their crimes would imply a problematic ethics of obedience. Similarly, resisters such as Beyers Naudé understood obedience within the framework of justice (1999:116). Botman raises the point that human rights perpetrators who claim to have been obedient to merely their political convictions cannot be expected to take up responsibility for nation building after apartheid. Botman thus proposes an ethics of obedience be grounded on the principle of justice and structured according to the ethics of responsibility (1999:117). He then turns to the German theologians Wolfgang Huber and Dietrich Bonhoeffer, and their theological contours of an ethics of responsibility.

Botman emphasizes Bonhoeffer’s focus on the place of substitution in an ethics of responsibility, and his focus on Christology. This ethics takes on a responsibility *for* others (victims), *before* others, and *for* ethical action.<sup>309</sup> The personal element is also emphasized, as Bonhoeffer demonstrates that what we are responsible for is tied to who we are, our integrity and identity. Botman relates the question of *to whom* we are responsible to the TRC, and the

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<sup>309</sup> Cf. a study on this responsibility in Fourie, W. 2012. *Communicative Freedom: Wolfgang Huber's Theological Proposal*. Münster: LIT Verlag.

responsibility of perpetrators of human rights violations. The absence of any authority figure or politician taking responsibility has hindered the reconciliation process. As in the early church's confession attributing Christ's suffering under Pontius Pilate, so too there has been a need for a leader to be held accountable. Botman states that this is not only of historical significance, but is also ethically important; to whom was the responsibility owed to God given? Essentially, "who played God in South Africa?" (1999:118). Without this, perpetrators cannot claim to have made "full disclosure of all relevant facts" (1999:118).

Botman continues to emphasize two aspects that are foundational for restorative justice: justice as the ethical framework for reconciliation, and a victim-centered epistemology (1999:119). The ethical aspect of justice, Botman states, requires more than the structuring society with law and order, or from a liberal view, ensuring rights. Truth and reconciliation are better served by restorative justice, with a focus on restitution, rather than retribution, Botman argues (1999:119). The Roman-Dutch law, on which South African law is largely premised, does not acknowledge reconciliation. Its focus on perpetrator findings and the need for a confession of guilt are central. Botman recognizes that the drive for an avowal of guilt led to violence during apartheid, and that this insistence on avowal resulted in many of the violent crimes by the police, military and political figures who wanted to suppress knowledge of wrongdoing (1999:119). Botman states that these effects of criminal justice are in contrast to the nature of justice in an African culture of restorative justice. Nelson Mandela advocated for this approach. Botman underscores the limits of a criminal justice system in facilitating reconciliation (1999:120).

Lastly, Botman addresses the need to keep the tension between ensuring both human rights and human dignity.<sup>310</sup> He believes in the potential of transitional justice to contribute to a culture of human rights, and therefore the liberation movement that opposed apartheid also needs to be subject to the TRC (1999:120). The church (catholic) should be the first to recognize how attempts to speak the truth have led to persecution, torture and death, cautions Botman. "In the name of truth, we recognize ourselves in the story of every perpetrator" (1999:121).

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<sup>310</sup> He cautions against Tinyiko Maluleke's insistence on only prophetic action, that does not serve the strengthening of human rights (1999:120).

He refers to the work of Egbeke Aja, the African philosopher, who emphasizes an ontological, immanent, communicative, and intrinsic ethics. “The guilt of a person includes your whole household and even your property. The contamination of the crime is corporate. The act of reconciliation by the perpetrator has the same character” (Botman, 1999:121). Botman thereby points to the social dimension of such an ethics, and the need to search and identify the wider range of crimes and actions of apartheid, and not merely focus on a selective few individuals. All the actions of those involved in upholding apartheid in whichever way need to be addressed by the same ethics, according to Botman (1999:121).

This reflection on truth-telling as confession closes with some concluding remarks before turning to the contours of Dietrich Bonhoeffer’s understanding of what it means to tell the truth.

## Conclusion

*The state did not get the truth out of anybody. It did not work that way. An increasingly rich and true story emerged from a multiplicity of voices and perspectives. Then the TRC, itself a variegated body, had the function of trying to find the language, mode of presentation, and way of telling the story that would be as meaningful and convincing as possible*

(Sachs, 2009:83)

While Jonker described his confession as vicarious action “in the name of the DRC of which I am a member, and for the Afrikaans people as a whole” (Jonker, 1998:204), it did not carry official support of the collective.<sup>311</sup> If Mamdani’s observation has validity, that “there was a strong tendency in the TRC not only to *dehistoricize* and *decontextualize* the story of apartheid but also to individualize the wrongs done by apartheid” (Mamdani, 2002:57), then what implications does this have for collective truth-telling that seeks to be historically and contextually embodied?

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<sup>311</sup> Commissioner Wynand Malan, in his minority report submitted in the TRC Report, finds the expectations of behaviour through religious convictions unfortunate, such as a call for representative confession, repentance and forgiveness, which he believes is an individual act (TRC Report Vol. 5, 1998:442).

Examples such as the voluntary, public confession by the DRC presbytery of Stellenbosch serve as evidence of personal transformation and conversion – recognition of wrongdoing – that also leads to taking up responsibility and extending an invitation to reconciliation to those wronged. It further demonstrates that confession is not necessarily a once-off event, but that it has value for each public context where the effects of this wrongdoing still exist and where such a confession may have social and relational worth. That is why, even though the presbytery of Stellenbosch formally confessed wrongdoing in the form of resolution adopted in 1985, they came forward to confess at the TRC. Thesnaar observes how some DRC members believed that confession of guilt should rather be a once-off activity, as opposed to “continuous and repeated” confessions, a “process” (2013:394). While the work of reconciliation and justice in the DRC following legislated apartheid cannot be accounted for here and would require a study of its own, the question remains what justice could more truth-telling as confession bring for those who continue to live with the legacy and effects of the apartheid era – not merely those classified as ‘victims’ by the TRC, but all South Africans. Could deeper self-avowal by not only those who lived through apartheid, but also those born after legislated apartheid and into the systemic remnants of its racial privilege, be a way of taking responsibility? This would require further reflection on the content and specific context of such confessions; this is the focus of the final chapter, with a focus on the DRC today. While the DRC is only one small grouping of whiteness, it is theologically placed to offer a public witness of confessing theology that offers an alternative to other white South Africans who resist accepting guilt and taking responsibility, particularly based on their religious beliefs.

#### 4.5. Conclusion

*One of the heretic aspects of apartheid, especially the theological justification thereof, is the way in which it distorts reality to an extent that children of God do not have the possibility of knowing the truth*

(Smit, 2007d:53)

The truth-telling that the TRC attempted was more than a court of law could ever achieve. It tried to go further than the focus of legal justice by unveiling truth rather than finding proof. In this sense the TRC sought to coalesce law and grace through restorative justice. In 1999, at the special debate on the Report of the TRC in Parliament, Nelson Mandela spoke about an

‘RDP of the soul’ (Villa-Vicencio, 2003:31).<sup>312</sup> This was a call for an ethical vision of restorative justice that could do what the legal and political solutions of the TRC failed to do.

These reflections have attempted to demonstrate the contours of truth and truthfulness in the South African context of Reformed theology, churches, and faith, also where this witness has been embedded in a wider ecumenical witness. It has showed how the public discourse on justice and reconciliation presented challenges for truthfulness in Reformed public theologies. It has been shown that *ascribing truth* is found in the formulation of confessions, creeds and documents, and have been *the* Reformed way of dealing with plurality, even ambiguity, in the truth claims and religious symbols of Christianity. The interpretation of the Reformed tradition has been read primarily through South African Reformed theologians, such as Smit, who have been influenced strongly by Karl Barth’s work, and his ecclesial and dogmatic focus on theology. Truth-telling as confession has been demonstrated as a possible theological embodiment of reconciliation and justice.

There are many examples of (Reformed) theologians and church leaders who had the ability to ascribe truth and constitute truthfulness in some of the ways discussed here. To mention only one, the legacy of Beyers Naudé can be recalled. In a tribute to Beyers Naudé on his 89th birthday, John De Gruchy spoke of the witness of Naudé as undergoing a shift from a “confessional theologian” to a “confessing one”. De Gruchy describes this as a transition from being someone well versed in the confessions of the (Reformed) church to being someone who publicly says what you mean in terms of the issues of the day. This resulted from his exposure to Germany and the confessing church, the Barmen Declaration and Dietrich Bonhoeffer’s writings, particularly while on a study tour in 1953 (De Gruchy & De Gruchy, 2005:84-87). This sparks further interest into Dietrich Bonhoeffer’s theology, to which I now turn. He is chosen as a long-standing conversation partner in the formation of public theologies in South Africa. His own thought on truth-telling is continued in dialogue with these theologies related to the challenges of truth-telling; in particular, his essay, *What Does it Mean to Tell the Truth?*

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<sup>312</sup> RDP is the South African Reconstruction and Development Programme introduced by the Mandela government to redress poverty in the wake of apartheid.

## Chapter Five: Dietrich Bonhoeffer's Office of Truth-telling

### 5.1. Introduction

The contextual problems of truth-telling faced by Dietrich Bonhoeffer in Nazi Germany compelled him, true to his theological proclivity for embodied, relational theology, to bear witness to Christ in word and deed through his theological ethics. This has led to a vocal legacy that has become a distinctive interlocutor in 20<sup>th</sup> century Protestantism, albeit with many different interpretations. Bonhoeffer's ethical reflections on truth-telling offer a window into his theological method and his most fundamental theological questions and convictions. His reflections on Christ-reality, how and where he locates truth-telling, and when and what actions speak truth all provide insights suited to the research aims of this study.<sup>313</sup> His essay, *What Does It Mean to Tell the Truth*, is read as a case study of the theological contours outlined notably in his work published as *Ethics* and *Letters and Papers from Prison*. While this essay and *Ethics* were left incomplete, what becomes clear in these writings is his rejection of a series of competing ethical visions. He provides his own account of responsible action, as that which accords with reality and is structured by God's mandates.

This chapter will engage with Bonhoeffer's theological perspectives on truth-telling as a source with a particular reception history in South Africa. These theological sources' own hermeneutic concerning Bonhoeffer's theology are examined. This includes the interpretations regarding the places and spaces that formed his theology and how this has made him a suited dialogue partner for this study and for the context of South Africa. His theological vision as shaped by a view of life after the war and the reconstruction of Germany and the West become important. Moreover, its significance lies in the fact that Bonhoeffer did theology from the position of his own involvement in the resistant movement that was working to overthrow Hitler and National Socialism.

Each period of Bonhoeffer's life, with its corresponding works, offers its own nuance to how Bonhoeffer understood truth-telling, hermeneutically and ethically, as a way of living before God. The intention of this chapter is not to provide a comprehensive analysis of all aspects of

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<sup>313</sup> Christ-reality, *Christuswirklichkeit*, refers here to Bonhoeffer's understanding of reality; that all reality is constituted and centred in Jesus Christ. "The world has no reality of its own independent of God's revelation in Christ" (DBWE 6:58). Frick observes that, "Many scholars hold the position that Bonhoeffer's most basic theological presupposition is the concept of reality ... *Christuswirklichkeit*, the reality of Christ" (2017:12).



Bonhoeffer's Christian witness that could be related to the challenges of truth-telling.<sup>314</sup> Rather, an attempt is made to capture the most prominent and essential insights into his theological ethics, in order to reflect on the challenges of truth-telling presented in the previous chapter. His theology is thus treated in three sections.

Firstly, *Bonhoefferian Contours* covers his thought and conceptualization and seeks to aid in contextualizing the analysis that follows.

The second section of this chapter analyzes the somewhat enigmatic essay, *What Does It Mean to Tell the Truth?* It is used here as case study, showing how his theology is permeated by and indeed centered on Christ-reality, responsible action, and the divine mandates. The background and context of his essay on truth-telling pave the way for a discussion on its content and how his theology *ascribes truth*, how it *constitutes truthfulness*, and how it *embodies truth-telling*. Concepts and characteristics that relate to and deepen this essay will supplement a fuller understanding of Bonhoeffer's position on the virtue of truthfulness, while acknowledging that the entire corpus of Bonhoeffer's writings cannot be treated in the confines of this study. The various emphases in his theology that are highlighted are indeed related and their separate presentation here should be regarded as merely a *descriptive* attempt, albeit with limitations. While the emphasis here is on his ethical formulations and hermeneutical process, other important dimensions of his work such as the epistemological and ontological are inseparable.

Thirdly, an overview of Bonhoeffer's reception in South Africa is given, thereby underlining the significant hermeneutical markers for reading Bonhoeffer in South Africa, also today. In order to serve the larger research focus of this project that seeks to construct a theology of truth-telling through analysis of various discourses, this chapter will have to be faithful to Bonhoeffer's own constructive insights. It will thus attempt to be faithful to Bonhoeffer's thought, while also maintaining his intuition of doing theology in conversation with present day needs. This will be done by relating Bonhoeffer's thought to the public theologies in South Africa discussed in this study. Finally, Bonhoeffer's reflections on truth-telling as confession are considered.

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<sup>314</sup> Such a study would also have to make a full account of Bonhoeffer's understanding of truth, and as Burtress rightly observes, "A study of the meaning of truth throughout the Bonhoeffer life and literature would require a monograph" (1985:144).

## 5.2. Bonhoefferian Contours

Dietrich Bonhoeffer's life and legacy are celebrated and venerated in the public sphere. That is not yet to say that what is readily known about him or his theology, or claimed in his name, is true, contextualized, or in any way nuanced in its praise of saintliness. For many the lure of his legacy was how his life of civil courage ended, due to his resistance to Hitler and the Nazi regime. Regardless of what qualifies his reception, Bonhoeffer has been said to "lead the list among the theologians of the 20<sup>th</sup> century known outside the theological world – ahead of even such eminent thinkers as Karl Barth, Rudolf Bultmann, Paul Tillich, Jürgen Moltmann and Hans Küng" (Frick, 2017:3). Bonhoeffer's legacy of both "innovative theology" and "committed living" has translated into an array of portraits sketched by interpreters who have chosen either to separate Bonhoeffer the theologian from Bonhoeffer the "hero and martyr", or to acknowledge the necessary combination of this dual witness of life and thought for accurate interpretation (Haynes, 2004:9).<sup>315</sup> Bonhoeffer indeed "straddles boundaries" that interpreters have placed on him (De Gruchy, 2007a:7). According to De Gruchy, it was his ability to have a "profound grasp on reality" while practicing a deep Christian commitment that he continues to "move beyond us", and beyond easy categorical classifications such as liberal and radical, or conservative and evangelical (De Gruchy, 2007a:7). With these remarks in mind, this section offers a very brief contribution in contextualizing the analysis that follows and is restricted to biographical points of interest for this study.<sup>316</sup> This conscious attempt at reading Bonhoeffer's work with a historically responsible hermeneutic hopes to guard against, for example, historicist understandings of truth or viewing him as a theological source for all forms of protest.

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<sup>315</sup> This has been captured comprehensively by Stephen Haynes in his 2004 publication, *The Bonhoeffer Phenomenon: Portraits of a Protestant Saint*, in which he describes Bonhoeffer's reception in terms of four overlapping portraits drawn by interpreters, including Seer (the radical Bonhoeffer), Prophet (the liberal Bonhoeffer), Apostle (the conservative Bonhoeffer), and Bridge (the universal Bonhoeffer) (Haynes, 2004).

<sup>316</sup> The widespread reception of Bonhoeffer has indeed led to many biographies. The most authoritative is that of his closest friend, Eberhard Bethge (Bethge, 2000). A concise biography by Christiane Tietz has been well received by the International Bonhoeffer Society – English Language Section, Tietz, C. 2016. *Theologian of Resistance: The Life and Thought of Dietrich Bonhoeffer*. V.J. Barnett. (tr.). Minneapolis: Fortress Press. Others worth mentioning are Marsh, C. 2014. *Strange Glory: A Life of Dietrich Bonhoeffer*. New York: Vintage Books., and Metaxas, E. 2010. *Bonhoeffer: Pastor, Martyr, Prophet, Spy*. Nashville: Thomas Nelson. The former is worth noting for its thorough work in its nuanced portrayal of Bonhoeffer and Bethge's relationship and the latter for its appeal to conservative American evangelicalism.

While Bonhoeffer's constructive, written endeavor was curbed through his imprisonment leading to his death, his life also speaks with its own voice. It is the courage and integrity with which he sought to tell the truth, but also the deception and dishonesty that he navigated in the face of the Nazi regime, that makes him such a compelling case study for truth-telling. Bonhoeffer's widespread reception and relevance has been attributed to the manner in which he lived his faith, and his capacity for truth-telling in extraordinary circumstances. This is particularly true in the context of South Africa. De Gruchy recognizes this legacy when he writes, "His contemporary relevance derives from the intensity and honesty with which he struggled to be faithful to the wonder and reality of God's revelation in Jesus Christ in the midst of the world" (De Gruchy, 1984:12). Indeed, his "developing and ever-deepening commitment to the truth of the gospel and its concrete implications in the midst of the world" put him at odds with his contemporaries (De Gruchy, 1984:13). Tietz also captures this spirit in the title of her biography of Bonhoeffer, translated as "Theologian of Resistance" (*Theologe im Widerstand*) (Tietz, 2016).<sup>317</sup> This resistance was an act of obedience to God, and a passionate commitment to the truth of the gospel. Through his love of Christ, Bonhoeffer embodied this vision: "To be free means nothing less than to be in love. And to be in love means nothing less than being in the truth of God. The man who loves because he has been made free by God is the most revolutionary man on earth. He challenges all values. He is the explosive material of human society. He is a dangerous man" (DBWE 11:465). This witness is seen in the fact that Bonhoeffer paid with his life to speak the truth he believed needed to be spoken. He was executed for his truth-telling; his Christian witness.

Several emphases are important in his theological ethics as a reflection on the arresting question: "Who stands firm?" (DBWE 8:40). He writes to his co-conspirators in 1942:

Who stands firm? Only the one whose ultimate standard is not his reason, his principles, conscience, freedom, or virtue; only the one who is prepared to sacrifice all of these when, in faith and in relationship to God alone, he is called to obedient and responsible action. Such a person is the responsible one, whose life is to be nothing but a response to God's question and call. Where are these responsible ones (DBWE 8:40)?

This obedience translated firstly into emphasizing concrete embodiment and recognizing the reality of Christ's presence in history, *Christus praesens*. From a young age, Bonhoeffer's

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<sup>317</sup> The title of the German edition of DBWE 8 *Letters and Papers from Prison* is *Widerstand und Ergebung*.

academic theology was recognized as perceptive and contributed to thinking through the context of the church in Nazi Germany. Bonhoeffer's theology is penetrated by ethical concerns and questions throughout, which always resisted being timeless or attaining to draw up timeless principles. Instead, his ethics are inseparably linked with particular times and places; "It is concerned with the interpenetration of relationality and responsibility and embraces time and history as ethical concomitants" (Burtness, 1985:19).<sup>318</sup> In Bonhoeffer's 1932 presentation "On the Theological Basis of the Work of the World Alliance" he says: "The church must be able to say the word of God, the word of authority, here and now, in the most concrete way possible, from knowledge of the situation. The church must not preach timeless principles however true, but only commandments that are true today. God is 'always' God to us 'today'" (DBWE 11:97). This succinct formulation is one of the many oft quoted phrases of Bonhoeffer communicating his instruction to guard against any timeless way of thinking and speech separated from the demands of the present moment.<sup>319</sup> This is based on his Christological understanding that Christ is not a principle. To understand and interpret Bonhoeffer and his formulation of ethics, is thus to understand and interpret his Christology. It is at the heart of his theological thought. This Christological interpretation of ethics runs as a golden thread through Bonhoeffer's work, and is essential for understanding his contributions to truth-telling. He had an urgency to know how we can act in accord with Christ-reality. "While Bonhoeffer's ethic is not an atomization or glorification of 'the moment,' it nonetheless points to the importance of the kairos, the concrete moment of truth. Moreover, the kairos is not to be separated from the Logos, from Christ" (Vosloo, 2008:346).

This can be further understood by taking seriously how Bonhoeffer critiqued Enlightenment thinking while he engaged the challenges of modernity. This did not mean that he wanted to return to a pre-rational age, as he writes in *Ethics*, "Contempt for the age of rationalism is a suspicious sign of a deficient desire for truthfulness. Just because intellectual honesty does not have the last word on things and rational clarity often comes at the cost of the depth of reality, we are not absolved from our inner duty to make honest and clean use of ratio." (DBWE 6:115,116). Bonhoeffer also affirmed the Enlightenment's insistence on human dignity:

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<sup>318</sup> "Genuine ethical discourse involves more than a onetime pronouncement. It needs repetition and continuity; it demands time. This is precisely the burden, but also the dignity and credibility, of ethical discourse. One-time pronouncements are nothing" (DBWE 6:371).

<sup>319</sup> This is illustrated in the essay in *Ethics* called 'Heritage and Decay' (DBWE 6:103 - 133).

The Enlightenment was perfectly correct in pointing out that the ethical is not concerned with an abstract social order, with representatives of particular social classes, with ‘above’ and ‘below’ as such, but with *people*. It is consequently also correct in the passion with which it insists on the *equal dignity of all people* as ethical beings. It is incorrect when it turns human reason – the essence of which consists of the free perception and assertion of reality, which in this context means of concrete ethical statements – into a formal, abstract principle that dissolves and undermines all particular content (DBWE 6:374).

Bonhoeffer thus rejects of a series of competing ethical visions in his response to the ethical concerns of his context, and of modernity. His understanding of what makes speech true offers alternatives to both absolutist ethical principles and situation ethics. This becomes clear in his *Ethics* when he departs from Kant’s categorical imperative. He rejects Kant’s ethics, stating, “Treating truthfulness as a principle leads Kant to the grotesque conclusion that if asked by a murderer whether my friend, whom he was pursuing, had sought refuge in my house, I would have to answer him honestly in the affirmative” (DBWE 6:279). Bonhoeffer also rejects duty ethics as dangerous, stating that “People of duty must finally fulfil their duty even to the devil” (DBWE 6:79).

Bonhoeffer also viewed pragmatism critically to the extent that it orients truth in terms of its practical applications, while he was also intrigued to discover its concept of God. Tietz observes that for him, “God is not only ‘valid’ truth but ‘effective’ truth: ‘...he is either active in the processes of human life or he ‘is not at all’ (DBWE 10:311)”. She continues, “Although Bonhoeffer sensed the danger that this rendered God dependent on human beings, he later took this up in *Ethics* (without succumbing to this danger) in terms of the thought that truth alters reality” (Tietz, 2016:23, 24).

Insofar as the modern sensibilities of freedom, progress, universality, and autonomy are still negotiated ethically in public life today, Bonhoeffer’s theology of modernity is helpful to clarify these problems of modernity, including truth-telling.<sup>320</sup>

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<sup>320</sup> See Wolfgang Huber’s essay “Bonhoeffer and Modernity” where he makes the useful distinction between modern theology and a theology of modernity (Huber, 1994:10). Bonhoeffer’s was the latter; a theological engagement with the challenges of modernity.

The most decisive theological influence on Bonhoeffer besides Luther was Karl Barth (Clements, 2010:3; Tietz, 2016:10; Cf. DeJonge, 2012). Bonhoeffer was also formed by liberal Protestantism, especially by Adolf von Harnack, while at the University of Berlin (DBWE 8:22). At von Harnack's memorial service Bonhoeffer remarked, "He made it plain to us that truth is born only of freedom. We saw in him a champion of the free expression of truth when it has been recognized, who continually revised his free judgment and always plainly expressed it, notwithstanding the anxious treatment of the many" (Bethge, 1970:102). His theology while in prison was still in many respects a response to neo-orthodoxy as represented by Barth and to liberal Protestantism. He agreed with Barth's distinction between revelation and religion, but would criticize Barth's one-sided emphasis on God's freedom (Tietz, 2016:12).<sup>321</sup> As a Lutheran, he was also influenced significantly by Martin Luther, especially in how he understood the presence of God in the humanity of Jesus Christ (Tietz, 2016:10).<sup>322</sup>

Besides his literary engagement, Bonhoeffer's formation was deeply influenced by his travels.<sup>323</sup> A significant turning point that would extend his theology past a mere academic pursuit was the exposure he had while in the United States, a nation in Bonhoeffer's words, "that has so inordinately many slogans about brotherhood, peace, and so on" and at the same time "legislates and practices racial segregation" (DBWE 10:266). Bonhoeffer's questions about authentic Christian witness and social problems were particularly challenged by the new context he experienced there. Marsh highlights some of the questions that became important for him in the United States, "How can one speak authentically about Christianity? Where are Christian truth and its "criterion" to be found in actual experience?" These words were written to his brother, Karl-Friedrich, 2 January 1931, on a return voyage to the United States after spending Christmas in Havana, Cuba (Marsh, 2014:114). In his essay "Protestantism without Reformation" he further analyzed American Christianity (DBWE 15:452).

In New York Bonhoeffer witnessed the oppressive racism endured by the black community of Harlem. The injustice experienced by this community was undeniably formative for

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<sup>321</sup> For a thorough account of Bonhoeffer's relationship to Barth cf. Pangritz (2000), Marsh (1994) and DeJonge (2012).

<sup>322</sup> For a thorough account of Bonhoeffer's theological formation see DeJonge (2012), *Bonhoeffer's Theological Formation: Berlin, Barth, and Protestant Theology*.

<sup>323</sup> This is clear in the study by Steiner, R. 2004. *From Phraseology to Reality: A 'Theological Geography'. Bonhoeffer's Early Travels and the Notion of Boundary*. Unpublished dissertation. Cape Town: University of Cape Town.

Bonhoeffer and his struggle against oppressive Nazism. His encounter was with “the black Christ who suffered with African Americans in a white supremacist world,” writes Reggie Williams in *Bonhoeffer’s Black Jesus* (Williams, 2014:1). This inspired his efforts in Germany “to uncouple the false connection between white imperialist identity and Jesus and its tragic imprint for Christianity” (2014:3). Bonhoeffer’s “social connection” that marked his Christology gives priority to “the intrinsically vulnerable, fluid, and relational character of the gospel over and against the analytical, evaluative, and domineering Christianity of empire and colony” (2014:3). The connection between Jesus and suffering, within an ethic of resistance, allowed Bonhoeffer to identify Jesus with the oppressed, rather than the oppressors. The worship at Abyssinian Baptist Church was deeply formative for his understanding of a church community shaped by historical realities. It is at this time that he also encountered a pacifism that was rooted in the Sermon on the Mount; a passage that would continue to be foundational in his writings, particularly in *Discipleship*. He was also influenced in this time by Reinhold Niebuhr, who helped Bonhoeffer to find “a realistic way of translating theological concerns into social realities” and a deeper appreciation of the social activism of the American churches (Clements, 2010:5). All of these influences are worth mentioning in order to understand the influences that allowed Bonhoeffer to interrogate his identity, his theological ethics, and what he understood as constituting truthfulness.

Bonhoeffer made his own confession about his shift from theology to discipleship in a letter to Elisabeth Zinn in 1936. He was reflecting on his time in Barcelona, Berlin and New York: “Something happened, something that changed and transformed my life to the present day. For the first time I discovered the Bible ... I had often preached, I had seen a great deal of the church, spoken and preached about it – but I had not yet become a Christian” (DBWE 10:269). “When Bonhoeffer the theologian became a Christian,” De Gruchy writes, the urgency, depth and vitality of Bonhoeffer’s theology as a “theologian of the cross” was made clear; it was not merely an academic pursuit (1984:22, 23).

Bonhoeffer located and lived his theology as pastor by placing community and the church central. The years leading up to his imprisonment were formed by his reflections and practices in living within community. This is seen in his widespread ecumenical work, his directorship of a preacher’s seminary in Finkenwalde and his participation the German Church Struggle (*Kirchenkampf*). Bonhoeffer had the option to leave Germany, and did so in 1939 to the United States, but would soon return under the conviction stated to Niebuhr: “I have come to the



conclusion that I have made a mistake in coming to America. I must live through this difficult period of our national history with the Christian people of Germany. I will have no right to participate in the reconstruction of Christian life in Germany after the war if I do not share the trials of this time with my people” (DBWE 15:227). This led to his active participation in conspiracy and eventual imprisonment when he was arrested on 5 April 1943 and sent to Tegel prison, where he would pen the essay in focus: *What does it mean to tell the truth?*

A final word can be said about his theology in this latter part of his life concerning truth-telling as “non-religious interpretation” for “religionless Christianity”. In order to make further sense of Bonhoeffer’s Christological hermeneutics, and thereby his ethics, his use of terminology such as “religionless Christianity” and “non-religious interpretation” become important.<sup>324</sup> It captures his theological viewpoint - his public theology - of ascribing truth, constituting truthfulness, and embodying truth-telling.

‘Religion’ in his later writings is used in both a theological and historical way; to clarify the integration of faith and deeds, and historically assessing how faith and theology relate to modern life. Bonhoeffer does not develop a theology or theory of religion. By speaking about “religionless Christianity” and “non-religious interpretation” he was trying to articulate the tension between the impulses of dialectical theology (drawn from Barth) and the desire for an incarnational, contextual theology embodied in the church.<sup>325</sup> Bonhoeffer’s reference to religion can be understood as referring to privatized theology, “escapism, in direct opposition to the spirit of the gospel” (De Lange, 2007:142). Bonhoeffer wrote to Bethge about his observations regarding the “‘inner life’”, strongly rejecting what he assessed to be “an attempt to hang on to God, at least in the realm of the ‘personal’, the ‘inner life,’ the ‘private’ sphere, in a time when God had been “pushed out of the world, away from public human existence” (DBWE 8:455).<sup>326</sup> Private theology was to Bonhoeffer a misreading of the reign of God. He believed that “There is no need to go spying around” at another’s sin (DBWE 8:456); “One

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<sup>324</sup> Many interpreters of Bonhoeffer have tried to expand on the concept of “religionless Christianity” in a “world come of age” that Bonhoeffer wrote about while in Tegel Prison, with widely differing conclusions. These concepts have been open to misrepresentation of Bonhoeffer’s thought, especially during the 1960’s. Some have used these writings of Bonhoeffer to include him in ‘God-is-dead’ theology and the debate about secularism. Wüstenberg reads these interpretations as failures to understand the Christological center of Bonhoeffer’s theology (Wüstenberg, 1997:58).

<sup>325</sup> Wüstenberg observes that “every critical statement on religion that can be found in Bonhoeffer’s writings is based upon Barth’s theology” (2008:25).

<sup>326</sup> In *Ethics* Bonhoeffer already developed a severe critique of the two kingdoms doctrine. See DBWE 6:55-64.

must give up the ‘holier-than-thou’ ploys and not regard psychotherapy or existential philosophy as scouts preparing the way for God” (DBWE 8:457). Tietz notes how Bonhoeffer’s concept of religion referred to something partial, affecting only a part of human life, characteristically in metaphysics, individualism, and the inner life (2016:101).

‘Religionless Christianity’ therefore distances itself from mistrust and suspicion that comes from attempting to uncover someone’s ‘inner selves’ and the privatization of faith. A “world come of age”, according to Bonhoeffer, passed the transitory human expressions of religion, which he did not regard as anthropological constants (Tietz, 2016:101,102). Bonhoeffer pens his tentative thoughts about Christianity in post-war Europe in a letter to Bethge on April 30, 1944:

What keeps gnawing at me is the question, what is Christianity, or who is Christ actually for us today? The age when we could tell people that with words-whether with theological or with pious words-is past, as is the age of inwardness and of conscience, and that means the age of religion altogether. We are approaching a completely religionless age; people as they are now simply cannot be religious anymore (DBWE 8:362).

‘Religionless Christianity’ is focused on a world in which people have become “disillusioned with Christianity as a creed, and dismayed by its failure to serve the world, to think in fresh ways about faith in Jesus Christ and what it means to be the church today,” writes De Gruchy (DBWE 8:5). Or as Marsh states, this is about how to escape the gospel’s political captivity (Marsh, 2014:367).

Importantly, Bonhoeffer’s view of modernity did not realize as he predicted. McBride highlights that the secularization in the West does not have such a widespread influence as predicted during the mid-twentieth century.

As a modern culture, we are not losing faith in a transcendent reality nor have we completely abandoned God as a foundation for morals and politics, as seen by the fact that appeals to God often are made in public debate. Therefore, we cannot accurately describe our society as a secular “world come of age,” but as pluralistic, composed of people influenced by and operating within differing religious and secular traditions who must work alongside one another in a common democracy (2012:8).

Bonhoeffer's impulse to speak the truth in a world after Christendom, to understand how the Word became flesh (John 1:14), was to think and act past the preservation of 'religion' as a strawman argument for containing the essence of a faith life. This "non-religious interpretation" was essentially about reinterpreting, Christologically, biblical concepts. He writes in *Ethics* about this impulse for a "non-religious interpretation of biblical concepts" (DBWE 8:475): "I am thinking about how we can reinterpret in a 'worldly' sense—in the sense of the Old Testament and of John 1:14—the concepts of repentance, faith, justification, rebirth, and sanctification" (DBWE 8:373).

The implications of Bonhoeffer's assessment of theology's task in this context is captured in his understanding of responsibility, as he states succinctly in his prison writings:

This is what I call this-worldliness: living fully in the midst of life's tasks, questions, successes and failures, experiences, and perplexities – then one takes seriously no longer one's own sufferings but rather the suffering of God in the world. Then one stays awake with Christ in Gethsemane. And I think this is faith; this is metanoia. And this is how one becomes a human being, a Christian (DBWE 8:486).

"This-worldliness" or "religionless Christianity" is therefore not a departure from deeds, ethics, or responsibility. It is rather a call to integrate and not separate faith and deed, dogmatics and ethics, "the ultimate things" from "the penultimate things" (DBWE 6:146-170).<sup>327</sup>

This embodied *metanoia* of faith and deeds will be returned to as a way of analyzing truth-telling; truth-telling as a biblical concept that can be interpreted in a "non-religious", Christological way, as public theology.

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<sup>327</sup> Vosloo relates this to the South African context and its striving towards peace and justice, stating "What is needed is an emphasis on moral formation, liturgy, church practices, role models, virtues, in short, the reclaiming of the identity and integrity of the church. The church must be the church. ... On the other hand, one also experiences the waning of the enthusiasm for issues like human rights and social justice. It seems as if the source that serves as motivation to work for a better world is not sustained". Vosloo foresees how a fuller conception of the Christian moral life can be articulated when "an ethic of virtue (with the emphasis on practices of moral formation) and an ethics of responsibility do not have to be mutually exclusive" (Vosloo, 2002:137, 138).

### 5.3. What does it mean to tell the truth?

#### Introduction

Bonhoeffer's contribution in his essay, "What does it mean to tell the truth", written in Tegel Prison in 1943, explores the theological dimensions of truthful speech. This essay, though incomplete, is rich in revealing his essential understanding of truth in relation to truth-telling, a theological problem which he was forced to face because of his involvement in the political conspiracy and the hidden nature of such an act. This treatise argues beyond a factual dealing with truth, underlining the importance of context and how our words and actions accord with reality truthfully; the reality of God and the world as seen in Jesus Christ. Bonhoeffer's actions and theology are arguably consistent with what he produced in this illustrative essay, albeit the purpose for the letter and the context of his imprisonment and interrogation that gave rise to this essay. A complete account of all the references to truth cannot be included in the confines of this study. His theology produced in *Ethics* is of particular relevance and will be used throughout to expand on some of his thoughts on truth-telling communicated in this "fragmentary" and "confusing" essay (Bethge, 1970:717), while *Letters and Papers from Prison* illuminate its context and the treatment of important themes.

#### Background and Context

The essay was originally included in *Ethics*, but with the publishing of the *Dietrich Bonhoeffer Works* (including the English edition), it was included in volume 16, *Conspiracy and Imprisonment*.<sup>328</sup> Bonhoeffer refers to the essay in his Tegel letters to Eberhard Bethge in *Letters and Papers from Prison*. A striking feature of his correspondence while in prison, is

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<sup>328</sup> The earliest treatment of the essay in understanding Bonhoeffer's ethics was by Benjamin Reist in *The Promise of Bonhoeffer* (Reist, 1969), who regarded it as foundational for understanding Bonhoeffer's ethics. "The importance of the fragment simply cannot be over-stated. One could almost divide those who respond to Bonhoeffer's efforts into two camps – those who see this section as decisive, and those, who, for any reason, do not" (Reist, 1969:90). James H. Burtneiss offers what he regards as the first systematic treatment of the essay in Bonhoeffer literature in his publication *Shaping the Future: The ethics of Dietrich Bonhoeffer* (Burtneiss, 1985). Burtneiss treats the essay as a "test-case" for understanding if, and how, Bonhoeffer's ethical theology works (1985:128). He writes, "What we have is a rare inter-penetration of moral action and ethical reflection focused in a single time and place, a perfect window through which to examine Bonhoeffer's ethical theology at work" (1985:128). A sample of some other publications that have chosen to include the essay as either an appendix or as part of a larger project on truth-telling includes Bok, S. 1984. *Lying: Moral Choice in Public and Private Life*. New York: Pantheon Books.; Gustafson, J. Laney, J. (eds.). 1968. *On Being Responsible*. New York: Pantheon Books; Lehmann, P. 1963. *Ethics in a Christian Context*. London: SCM Press.

that he was forced to conceal information from the authorities, and exercised discretion over what he shared with his loved ones. In prison, Bonhoeffer wanted to communicate that his interrogator, military judge Manfred Roeder, had no right to the truth from the conspirators, and that truth-telling in this context meant keeping silent about the facts of the coup. The interrogations that Bonhoeffer had to endure naturally gave rise to his questions on truth-telling, but there is clear evidence that this topic of truth-telling was of greater value within his ethical reflections, and consistent with his faith and theology.<sup>329</sup>

The fact that Bonhoeffer wrote his essay in those weeks shows how much he was aware of his dilemma and that he did not seek to pretend to himself or to suppress anything. He did something else. He could have destroyed his drafts, except for a few references to fact; but instead he preserved them carefully and gave them to his father to look after when, after 20<sup>th</sup> July, he cleared his cell of its accumulated objects (Bethge, 1970:717, 718).

Other notes reveal his broader interest in truth-telling and include topics that are not treated in the essay fragment (DBWE 16:601, *Editors notes*). Apart from this essay that he wrote while conscious that he could not provide his enemies with useful material which they could use against him, he disclosed more of the context behind his thoughts on truth-telling in his ‘illegal’ and honest correspondence with Bethge. Herein he makes several references to the essay that he was working on at the time that can be considered in situating these thoughts.

His relationship with Bethge was decisively unique. There is a clear display of intimacy in their relationship, visible from their ‘illegal’ correspondence and the first uncensored letter that was smuggled out of prison: “And now today, be for me...my pastor once more, as you have so often been in the past, and listen to me,” Bonhoeffer writes in this letter to Bethge, “his chosen confessor” (Marsh, 2014:299) (DBWE 8:179). A few days before Christmas in 1943, Bonhoeffer writes to Bethge about the prospect of being granted the opportunity to speak to him for the first time in nine months and being allowed to “speak and hear the complete truth”.

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<sup>329</sup> Bethge includes a letter by Ernst Kaltenbrunner in his biography of Bonhoeffer that contains information about Bonhoeffer’s interrogations in 1944 regarding his meeting with Bishop Bell in Sweden. “If Kaltenbrunner’s letter can be taken as reliable evidence of the account which Bonhoeffer gave of his activities in Sweden, then it is clear that Bonhoeffer had not only found a way of telling the truth without its harming anybody, but had also managed to give it a particular emphasis that would make it not only plausible to the people in the Head Office, but under certain circumstances worthy of commendation (Bethge, 1970:807).

“That is an event,” he writes. “I am obliged to protect my parents and Maria; with you I will put on no pretense, nor you with me. We never did so earlier and don’t ever wish to” (DBWE 8:235).<sup>330</sup> This intimate truth-telling that Bonhoeffer shared with Bethge communicated not only his academic ponderings but also disclosed his emotions and desires, which he hid from other loved ones, including his fiancé, Maria von Wedemeyer.<sup>331</sup>

Bethge dates the initial drafting of the essay to April – July 1943, but evidence suggests that Bonhoeffer only later resumed work on the essay (Bethge, 1970:717). There are three references in *Letter and Papers from Prison* to the essay. The first passing reference to the essay is on 18 November 1943, to Bethge. He simply states, “On the side I wrote an essay on the subject, ‘What Does It Mean to Tell the Truth?’” (DBWE 8:182). Two weeks later, on December 5, 1943, Bonhoeffer continues to reflect in his letter to Bethge about truth-telling, offering more insight into what might have lay behind his ethics of self-disclosure.

Bonhoeffer begins his reflection by referring to a previous letter to Bethge about dealing with fear and the concealment of this fear. In this letter (November 27), the fears of those imprisoned with him (arising from bombings near the prison), prompt him to think about truthfulness and revealing one’s fear.

...fear is actually also one of those things of which human beings are ashamed. My sense is that one can actually speak of it only in confession. Otherwise there can so easily come to be something shameless in it. By such reticence one is also freed from having to play the hero. On the other hand, a naïve openness can have something quite disarming about it. But there is also a sort of cynical – I might even say almost godless – openness that runs riot in the same way [as] in drunken and promiscuous patterns of behavior, with chaotic results. Doesn’t fear also belong among the “pudenda” [“things

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<sup>330</sup> For the most thorough publication on Bethge, see De Gruchy, J.W. 2005. *Daring, Trusting Spirit: Bonhoeffer's Friend Eberhard Bethge*. SCM Press, London.

<sup>331</sup> Since the earliest publication of *Letters and Papers of Prison*, the nature of Bonhoeffer and Bethge’s intimate relationship have been raised. Perhaps the most prominent display of evidence for the extent of their intimacy is Charles Marsh’s *Strange Glory* (2014). Marsh considers one of his last letters to Bethge: “Finally, at the age of thirty-eight and with nothing left to lose, he felt free from the yoke of scrupulous introspection. The Word of God does not ally itself with the rebellion of mistrust, he said triumphantly, but reigns in the strangest of glories” (Marsh, 2014:372).

of which one ought to be ashamed” (editor’s note)] that ought to be hidden? I need to think more about this (DBWE 8:200, 201).

The December 5<sup>th</sup> letter thus continues his thought. Bonhoeffer writes, “‘Truthfulness’ does not at all mean that whatever exists must be uncovered. God himself made clothing for human beings, that is, in *status corruptionis* many aspects of the human being are to remain concealed, and when one cannot root it out, evil is likewise to remain hidden. Anyway, exposure is cynical....” (DBWE 8:214, 215). He labels this uncovering, expressed “under the guise of honesty”, as “a symptom of sin”, “analogous to open talk about sexual matters” (DBWE 8:214). He observes that “exposure is cynical” and that “even if cynics appear particularly honest in their own eyes or act like fanatics for the truth, they still miss the decisive truth, namely, that after the fall there is a need for covering [Verhüllung] and secrecy [Geheimnis]” (DBWE 8:215).<sup>332</sup> He seems to value the refusal “to pry into the inner realm of the person”, citing also Kant’s affirmation of illusion (DBWE 8:215).<sup>333</sup> He then refers directly to his essay on truth, “... ‘telling the truth’ (about which I wrote an essay) means, in my opinion, to say how something is in reality, that is, with respect for mystery, for trust, for hiddenness. ‘Betrayal,’ for example, is not truth, just as frivolity, cynicism, and such, are not. What is concealed may be revealed only in confession, namely, before God. More on this as well later” (DBWE 8:216).<sup>334</sup>

He concludes by revealing to Bethge his strategies for the “psychic overcoming of difficulties”: either through a “small self-deception...presumably a permissible one” of ‘thinking past adversities’ (“I have more or less learned to do this”), or “a more difficult one: to hold them consciously in one’s gaze and overcome them; I can’t do that yet” (DBWE 8:216). These

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<sup>332</sup> Christiane Tietz makes a useful distinction in Bonhoeffer’s use of ‘Geheimnis’ as *secret* and as *mystery*. Tietz uses the essay in question (‘What does it mean to tell the truth’) as an example to show how these two aspects of *Geheimnis* function together. The cynic that exposes *Geheimnis* destroys the mystery of relationship by revealing the secret of the other. A ‘secret’ is a product of human action, while ‘mystery’ is not produced, but something in which one finds oneself, Tietz explains (Tietz, 2007:32-35). See the collection of essays on *Mysteries in the Theology of Dietrich Bonhoeffer* (Nielsen, Nissen, & Tietz, 2007).

<sup>333</sup> “I believe we Germans have never truly grasped the significance of “covering,” that is, or rather the *status corruptionis* of the world. Kant says very fittingly in his *Anthropology*, whoever fails to appreciate or disputes the meaning of illusion in the world is guilty of high treason against humanity” (DBWE 8:215).

<sup>334</sup> He also refers to a book by Adelbert Stifter that he had been reading, ‘Witiko’, that he describes in another letter to his parents by saying: “For me it belongs among the most beautiful books of all I know...” (DBWE 8:175). He praises Stifter that he “lies in this direction”; that is, regarding the person “only very discreetly from without, as it were, not from within” (DBWE 8:215).



insights into how Bonhoeffer conceived of thinking about truth-telling regarding things “within”, “sexual matters” and secrecy - specifically as it related to himself - are significant, as it was clearly at the forefront of his thinking when he formulated his thoughts about truthfulness in this essay.<sup>335</sup>

The last reference to the essay is on December 15, 1943 and explains that the essay works out the lack of trust and faithfulness in the ‘cynical’ conception of truth. “‘Lies’ are the destruction of and the enmity against the real as it is in God; whoever tells the truth cynically is lying” (DBWE 8:223). Returning to his incomplete essay, *What Does It Mean to Tell the Truth*, one finds references to how truth is ascribed, what constitutes truthfulness, and how truth-telling can be embodied. These dimensions are explored further.

### **Ascribing Truth: Christ-reality**

If one had to choose one sentence from the essay that captures the essence of how Bonhoeffer understands truth-telling, it could very well be: “*What is real is to be expressed in words*” (DBWE 16:603). In *Ethics*, he writes, “In Jesus Christ, the Real One, all reality is taken on and summed up; Christ is its origin, essence, and goal. That is why it is only in and from Christ that it is possible to act in a way that is in accord with reality.... This then leads us to the statement that action in accordance with Christ is action in accord with reality” (DBWE 6: 263).<sup>336</sup> This Christ-reality [*Christuswirklichkeit*] is Bonhoeffer’s fundamental ontological model within *Ethics*. Bonhoeffer ascribes truth to Christ; ethical action is thus taken by expressing “what is real”, the “‘right word’”, through an orientation towards “how the real is in God, and through

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<sup>335</sup> This raises questions regarding Bonhoeffer’s hermeneutics of the self. Recent research has indeed revealed Bonhoeffer’s romantic relationship with Bethge, in a time when such a relationship would have been considered sinful. Marsh, who substantiates Bonhoeffer’s romantic intimacy towards Bethge in his research, explains his position: “They were soul mates of a sort. Bethge never reciprocated the intensity of Bonhoeffer’s affections. I don’t think Eberhard was gay; I simply don’t have any reason at all to think that. I think that Bonhoeffer’s love of Eberhard was one that he, Bonhoeffer, wanted to define as a kind of spiritual marriage, but Bonhoeffer’s love of Eberhard was also deeply romantic” (Stanley, 2014). Diane Reynolds, in her recent publication *The Doubled Life of Dietrich Bonhoeffer: Women, Sexuality, and Nazi Germany*, explores “the seeds of a nascent queer theology in Bonhoeffer’s writing. Truth-telling is essential, no more so than when uncomfortable....” (2016:7).

<sup>336</sup> For works that have expanded on Bonhoeffer’s definition of reality see Dumas, A. 2013. *Dietrich Bonhoeffer: Theologian of Reality*. Norwich: Hymns Ancient & Modern Limited.; Harvey, B. 2015. *Taking Hold of the Real: Dietrich Bonhoeffer and the Profound Worldliness of Christianity*. Eugene, Oregon: Cascade Books.; Ott, H. 1972. *Reality and Faith: The Theological Legacy of Dietrich Bonhoeffer*. Minneapolis: Fortress Press.

God, and toward God” (DBWE 16:603). As Burtneiss writes, “Truth is for Bonhoeffer not an idea toward which to strive, but a reality in which to participate” (Burtneiss, 1985:141).

*In Jesus Christ the reality of God entered into the reality of this world....* In Christ we are invited to participate in the reality of God and the reality of the world at the same time, the one not without the other. The reality of God is disclosed only as it places me completely into the reality of the world. But I find the reality of the world always already borne, accepted, and reconciled in the reality of God (DBWE 6:54-55).

These words from *Christ, Reality and Good* (*Christ, Church and World*) in *Ethics* express Bonhoeffer’s conviction about ultimate reality; a necessary presupposition for those who want to focus on a Christian ethic, according to him (DBWE 6:47). “Of ultimate importance, then, is not that I become good, or that the condition of the world be improved by my efforts, but that the reality of God show itself everywhere to be the ultimate reality” (DBWE 6:48). This is Bonhoeffer’s ontological basis, the *Christuswirklichkeit*, the “one reality, and that is God’s reality revealed in Christ in the reality of the world” (DBWE 6:58). This is where truth is to be found.

Bonhoeffer speaks powerfully about “Satan’s truth” as judgment driven by envy and hatred; “the death of all that is real” (DBWE 16:605). In contrast, God’s truth judges out of love. He later references John 8:44, where Jesus identifies Satan as the “father of lies” (DBWE 16:607).<sup>337</sup> Lying, then, is the “denial of God, as God has been revealed to the world” (DBWE 16:607).

Lying is a contradiction of the word of God as it was spoken in Christ and in which creation rests. Consequently, lying is the negation, denial, and deliberate and willful destruction of reality as it is created by God and exists in God to the extent that it takes place through words and silence. Our word in union with the Word of God is intended

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<sup>337</sup> Bonhoeffer writes in a sermon on John 8:32 “The truth will make you free”: “God’s truth is God’s love, and God’s love makes us free from ourselves for others. .... The human being who has been made free by the love of God is the most revolutionary human being on earth. He is the overturning of all values; he is the explosive material in human society; he is the most dangerous human being. For he has recognized that human beings are, in their deepest being, untruthful. And he is ready at any time to let the light of truth fall upon them – and that for the sake of love” (DBWE 11: 471-472).

to express what is real, as it is in God, and our silence is to be a sign of the boundary drawn around the word by what is real, as it is in God (DBWE 16:607).

Bonhoeffer further qualifies our encounter with “the real”, by acknowledging the “disunion and contradiction” that exists in the world, which calls for “reconciliation and healing” (DBWE 16:607). Our truth-telling, therefore, must take seriously both the “fall into sin”, and God’s promise of reconciliation. Ascribing truth to Christ, is therefore to acknowledge the misery of sin and its implications for how we live within this reality. Locating Bonhoeffer’s understanding in Christological truth also calls forth how he conceived of community.

Bonhoeffer believed Christ is an ontological statement about how we relate to one another in community.<sup>338</sup> Bonhoeffer’s Christology is grounded in a theological anthropology that takes seriously the sociality of both Christ and of humanity.<sup>339</sup> His doctoral dissertation already made this clear, epitomized in the phrase “Christ existing as church-community”. *Sanctorum Communio* sought to relate systematic theology and sociology and ‘to understand the structure, from the standpoint of social philosophy and sociology, of the reality of the church of Christ which is given in the revelation of Christ’ (DBWE 2:20).

His theological anthropology and the revelation of Christ-reality also has implication for how he ascribed truth within selfhood; how truth-telling could be a hermeneutical process of speaking the truth about oneself. One finds in Bonhoeffer’s earlier writings that he shares his theological anthropology of selfhood or human subjectivity, where the theme of sociality is again central. His later writings in prison also shed light onto his own introspection, such as his poem *Who am I?*; “Who am I? They mock me, these lonely questions of mine // Whoever I am, thou knowest me; O God, I am thine!” (DBWE 8:460).<sup>340</sup> As in this poem, he also expresses some of his uncertainty about how others perceive him and who he really is in a letter to Bethge. Here he expresses his disapproval of psychology and psychotherapy. In this letter,

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<sup>338</sup> Green notes how Bonhoeffer uses the term ‘community’ to refer to many different social forms – from marriages to nations. As ends in themselves, they are structures of meaning (1999:118). Therefore, any sociological presentation of a church is not equal to Bonhoeffer’s understanding of “Christ existing as community”, and therefore the Reich Church and the German Christian Movement could be excluded from this representation of Christ.

<sup>339</sup> For a thorough and important study on sociality, see Green, C.J. 1999. *Bonhoeffer: A Theology of Sociality. Revised Edition*. Grand Rapids: Eerdmans.

<sup>340</sup> In his Christology Lectures of 1933 he writes, “The question of ‘who’ is the question about transcendence. The question of the ‘how’ is the question about immanence” (DBWE 12:302).

written in the same weeks as his essay, *What does it mean to tell the truth*, he writes about his unwillingness and lack of drive to be introspective, “In short, one knows less about oneself than ever and is no longer interested in it. Weary with psychology and thoroughly averse to any analysis of the soul. ... More important matters are at stake than self-knowledge” (DBWE 8:221).

Bonhoeffer's conception of selfhood was also responding to “post-Kantian models of selfhood,” to the rational, detached self of the Enlightenment (Marsh, 1994:viii). Marsh comments on this: “Thinking itself to be knowledgeable of the truth, the self-sufficient subject turns ever inward: all relations to others are reduced to relations of the self as an *inconcussum fundamentum veritatis*, an incorrigible foundation of truth. There is convolution of a most insidious kind in this adamic self” (Marsh, 1994:138). Marsh finds in Bonhoeffer's Christological focus alternatives for images of the self. The following excerpt from his Christology Lectures of 1933 refers to the ontological structure of human beings:

“Where does [Christ] stand? For me, he stands in my place, where I should be standing. He stands there because I cannot, that is, he stands at the boundary of my existence and nevertheless in my place. ... This boundary lies between my old self and my new self, that is, in the center between myself and me. As the limit, Christ is at the same time the center that I have regained” (DBWE 12:324).

Bonhoeffer's understanding of the self is drawn from God's revelation in Christ. Vosloo notes: “It is clear that Bonhoeffer had no intention of developing a notion of selfhood that finds holiness through the journey inward or in the inner constitution of the self” (Vosloo, 2002:131). This revelation, Vosloo notes, is a reconfiguring of self, other and community (2002:132). This reconfiguring is further explained in the essay when Bonhoeffer speaks of the cynic and the nuances of exactly where and when truthfulness is constituted.

### **Constituting Truthfulness: Re-imaginings of Jesus Christ**

“A truthful word is not a constant in itself but is as lively as life itself” (DBWE 16:604). Bonhoeffer describes truth-telling as an ethical position that is necessary at all times and for all situations. However, he rejects abstract, timeless ways of constructing truth.<sup>341</sup> His rejection of

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<sup>341</sup> Speaking about the authorization for ethical discourse, Bonhoeffer states in *The “Ethical” and the “Christian” as a Topic*, “Instead it is intrinsically bound to persons, times, and places. This specific determination does not

abstract ethical principles does not imply being an advocate for lying or untruthfulness, but simply communicates his belief that truth-telling is deeply connected to the time and place in which it is expressed. Truth is not a dictum from nowhere. It is the truthful speech owed to God, the “Living One”, the incarnate Christ (DBWE 16:602). This is what constitutes truthfulness. “Our word should be truthful not in principle but concretely. A truthfulness that is not concrete is not truthful at all before God” (DBWE 16:603). Truth-telling is thus an encounter with God, at the center of reality, and “the capacity to perceive reality is a necessary component of ethical thought” (DBWE 16:603).

Bonhoeffer names the one who opposes this manner of truth-telling *the cynic*. Only ‘the cynic’ claims such universality of speaking the truth in all times and in all places in the same way. The cynic abuses knowledge of the truth. Such a person also abuses any power they may yield from knowledge of the truth; the cynic “violates shame, desecrates the mystery, breaks trust, betrays the community in which he lives...” (DBWE 16:604).

The “dangers” of contextual, relational truth-telling, Bonhoeffer acknowledges, is that it can become “calculating or pedagogical” in attitude; it must rather be regulated by discerning the contents that need to be disclosed in order to be truthful towards *the real* (DBWE 16:605). Words that become “rootless, homeless” is what gives rise to lying (DBWE 16:605). The one guilty of lying is the one who destroys relationship, who speaks without respect, who deceives, betrays – others and themselves. Bonhoeffer questions the definition of lying in this essay, admitting “how difficult it is to say what lying really is,” in light of his example of a child stating something that is factually false out of naivety, and the observation that lying cannot be reduced to “a formally untrue statement” (DBWE 16:606). He believes that lying is always wrong, but that false assertion (of facts) is not wrong and does not necessarily imply lying. He states the inadequacy of the definition that takes lying to be the “conscious contradiction between thought and speech”. Here Bonhoeffer departs again from Kant’s understanding of truth-telling. He knew Kant’s work very well and often referred to him. He departs from Kant’s ethics and his epistemology. This is clear from the manifold references to Kant in *Ethics*.<sup>342</sup>

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diminish the import of ethical discourse, but is the very source of its authorization and weight, whereas the ethical is weakened to the point of powerlessness when it is left unspecific and generally applicable” (DBWE 6:372).

<sup>342</sup> His reference to Kant is from “On a Supposed Right to Lie from Altruistic Motives,” in *Critique of Practical Reason and Other Writings in Moral Philosophy*, 346-50. Another reference is in *Ethics*, DBWE 6:279-80.

The subject-object model of epistemology cannot describe or do justice to the social and ethical relations between people.

As truth is located in the living Word, the Logos as a person and not a static idol, Christology as “logology” is speaking the word about the Word of God (DBWE 12:301). This means that truthfulness is not constituted or found in human speech. Bonhoeffer’s Christology makes it clear that if it were not for Christ’s ongoing agency in giving rise to words of witness, there would be nothing truthful to say about Christ.

Bonhoeffer’s primordial and enduring question, “...who is Christ actually for us today?” captures his focus on the living Christ – ontologically objective in reality, but contextually subjective in meaning. Any reader of Bonhoeffer will quickly become familiar with his theological vision; that any appropriation of truth can only be done within a specific context.<sup>343</sup> Its persuasive power depends on its contextualization. The, “for us today”, is an invitation, a Christological imperative, to clarify the reference, scope and substance of this subjectivity. Constituting truth-telling then becomes an articulation of God’s concrete, incarnate Word as an epistemological statement shaped by the present demands of our situation and our place within it; re-imaginings of Jesus Christ.<sup>344</sup>

Bonhoeffer begins his Lectures on Christology by stating, “To speak of Christ is to be silent, and to be silent about Christ is to speak. That is obedient affirmation of God’s revelation, which takes place though the Word” (DBWE 12:301). Despite Bonhoeffer’s insistence on truth being understood as located in concrete words and spaces, it does not mean his understanding of truth is limited epistemologically by the human condition. Bonhoeffer’s understanding of God’s commandments for humans as “concrete speech to concrete human beings” (DBWE 6:378),

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<sup>343</sup> In *History and Good* [1], in *Ethics*, Bonhoeffer starts with this explanation of the “*historicity of human existence*” noting how “the ethical isolation of the individual is a fictitious notion” (DBWE 6:220). This is captured in Bonhoeffer’s words, “If you want to find eternity, then serve the time. If you want what is eternal, focus on what is temporal. If you want God, focus on the world.” (DBWE 10:528). And in *Ethics*: “Belonging completely to Christ, one stands at the same time completely in the world” (DBWE 6:62).

<sup>344</sup> De Gruchy highlights the many ways in which the concept of “Grenz” or “boundary” was used by Bonhoeffer (2007:7). He mentions Bonhoeffer’s understanding of ethics as functioning in boundary situations “where the issues are, at best, ambiguous, and “living the truth” is dependent on reading the signs of the times” (2007:7). The centre which gives these boundaries meaning and significance, is Jesus Christ. “In doing so he challenges and transcends the boundaries we establish, the “comfort zones” of the church, society or our own personal lives. It is then that we have to recognize that God does not meet us in some place we reserve for God on the boundaries of existence, but encounters us at the center of reality” (De Gruchy, 2007a:7,8).

should not be misread as prioritizing or privileging the immediate experience of the human self. Dunn accurately captures this caution when he writes: “It should not be understood as an assumption that the appearance of the empirical world should be prior to our ethical or philosophical reflection. It is not a bias in favor of mere at-handedness, nor in favor of practice over theory, nor in favor of simplicity over complexity” (Dunn, 2016:7). It is rather to place existence as subject to God’s revelation. “Concretion is the moment when revelation’s note induces a kind of harmonic resonance in the world, and thus reveals a more fully-human tune than we could have composed ourselves” (Dunn, 2016:7,8).

Dunn also notes how this concretion is better understood by identifying Bonhoeffer’s theological antagonism towards *idealism* as “the philosophical manifestation of Adam’s sin” or “philosophy’s manifestation of the forbidden fruit” (2016:8,9).<sup>345</sup> In a letter to Rüdiger Schleicher in 1936, Bonhoeffer explains his response to the question “How can I live a Christian life in this concrete world, and where are the ultimate authorities for such a life that alone is worth living?” (DBWE 14:167). He proceeds to address his use of the Bible and a search for God, writing, “If it is I who says where God is to be found, then I will always find a God there who in some manner corresponds to me, is pleasing to me, who is commensurate with my own nature. But if it is God who says where he is to be found, then it will probably be a place that is not at all commensurate with my own nature and does not please me at all. This place, however, is the cross of Jesus” (DBWE 16:168). He continues, “Hence we are no longer even *permitted* to seek universal, eternal truths that might correspond to our own “eternal” nature and that might be demonstrable as such.... God is something entirely different from so-called *eternal* truth. The latter is still merely our own self-conceived, desired understanding of eternity” (DBWE 14, 168). It is thus integral to Bonhoeffer’s theology that a pursuit to speak Christ, to live authentically in faith, is not mere obedience to universals that we have extrapolated from our own consciousness. For him, the Bible cannot be surrendered, as “Every other place outside the Bible has become too uncertain for. There I am always afraid of encountering merely my own divine *Doppelgänger*” (DBWE 16:169).

Again, this links to his ecclesiology. A fundamental concern behind his interest in ecclesiology, according to De Gruchy, was to “locate theology in the context of human social and ethical

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<sup>345</sup> Although Bonhoeffer’s critique, Dunn notes, can be understood as in conversation with German Idealism, and possibly a response to his understanding of Hegel and Fichte, it was primarily a theological view on idealism that Bonhoeffer opposes (Dunn 2016:8).



relations in history, rather than in the epistemological framework of post-Kantian philosophy or the individualism of existentialism” (1991:4). Bonhoeffer wrote in *Life Together*, “Christians need other Christians who speak God’s Word to them. ... they cannot help themselves without cheating themselves out of the truth.... The Christ in their own hearts is weaker than the Christ in the word of other Christians. Their own hearts are uncertain; those of their brothers and sisters are sure” (DBWE 5:32). Once more one sees how his hermeneutics of the self are bound by sociality. Marsh expands on this: “The self becomes itself in Christ, for Christ exists as the luminescence of agapeic togetherness” (1994:151). Marsh writes, “It is the taking shape of the overabundant I, of the self reshaped in Jesus Christ, signifying the conversion of the person from adamic self-identification of the real to christic mediation in life with others” (1994:151).<sup>346</sup>

One can therefore state that for Bonhoeffer, the self is read primarily and perhaps exclusively as in relation to others. In *Sanctorum Communio* he writes, “God does not desire a history of individual human beings, but the history of the human community. Nor does God want a community which absorbs the individual into itself, but a community of human beings. In God’s sight community and individual are present in the same moment and rest upon one another” (DBWE 2:52). The individual therefore remains important, insofar as they relate to others. Bonhoeffer’s concept of *Stellvertretung*, of standing in the place of another, is used to express the responsibility that this entails. The following section speaks to this by looking at how Bonhoeffer envisioned embodying truth-telling in his essay.

### **Embodying Truth-Telling: Becoming Guilty**

Bonhoeffer’s hermeneutical question of what it means to tell the truth does not take the position that the truth that needs to be told is something obvious or clear, and that all that is required is the moral courage to speak it. He rather poses that it is something that needs to be discerned, learned, through “long, earnest, and continual effort that is based in experience and the perception of reality” (DBWE 16:603). The liar is therefore the one destroying relationships, by being cynical, unwilling to be formed by faith that is more than just intuition or reason, and

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<sup>346</sup> He attributes Bonhoeffer’s thinking to the influence of Martin Luther’s notion of justification in “Freedom of a Christian” (1994:151).

unwilling to become guilty by taking responsibility. Bonhoeffer's writings on responsible action within reality offer some curriculum for ethical embodiment that rejects such lying.

Bonhoeffer's conviction that human action should not derive from general principles but happen in relationship, further relates to his understanding of responsibility, especially in *Ethics*. This insight about Bonhoeffer's theological ethics that has been underlined is instructive for any method that tries to construct theology by drawing on his work. His theology was "governed by a commitment to the truth and therefore had a freedom to follow wherever truth led. Bonhoeffer did not develop a system, and it is pointless to debate whether he would have if he had lived longer" (De Gruchy, 1984:32). This freedom was governed by his Christology, and indeed his ecclesiology, which are inseparable.<sup>347</sup>

Responsibility is thus tied to relationality in Bonhoeffer's ethical theology, and therefore the essay makes use of the example of parents and children to demonstrate this, stating that "the parents' claim on the child is something different from that of the child on the parents" (DBWE 16:602). If relationships change, this will change the speech of truth-telling. Bonhoeffer also states that "The more diverse the life circumstances of people are, the more responsibility they have and the more difficult it is "to tell the truth" (DBWE 16:603); an observation with far-reaching implications for a pluralistic society. Truth-telling as responsible ethical embodiment is contextual and relational faith; who we are, what our voice and identity represent, and how that affects our truth-telling must be learned.

Bonhoeffer writes in this essay, "The justification for speech always lies within the boundaries of the concrete office that I fill" (DBWE 16:608). Or in *Ethics*, "The authorization belongs not to the person but to the office [Amt]" (DBWE 6: 375). Bonhoeffer believed in a human order, and that the ethical "entails certain sociological relationships of authority" (DBWE 6:372). This relates to his understanding of offices and orders, and that such authority and ethical responsibility that comes with them are to be used for the benefit of those they serve, not those who hold them. "Concomitantly, ethical responsibility devolves upon those the offices serve – children, students, citizens, parishioners, and so on" (DBWE 6:23). His use of the categories 'above' and 'below' (*Oben und Unten*) is thus a spatial, theological (and thus ethical) metaphor

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<sup>347</sup> In *Creation and Fall* he writes, "To be more precise, freedom is a relationship between two persons. Being free means 'being-free-for-the-other', because I am bound to the other. Only by being in relationship with the other am I free." (DBWE 3:63).

to describe the relationship between different orders (DBWE 6:23). Green explains this theological dimension: “God is ‘above,’ human beings are ‘below.’ Only after that point is made does one move to the anthropological analogy or implication” (DBWE 6:23).

Burtneiss comments on his use of *Ordnung* (order) and brings this in relation to his struggle against the misuse of orders of creation doctrine by National Socialists and German Christians. His work on *mandates* in *Ethics* is a recasting of this doctrine (Burtneiss, 1985:140). Mandates are the historical-social forms of God’s command for ordering worldly life. Work (or culture), marriage (and family), government, and church are the concrete forms of life commissioned by God for all people (DBWE 6:388). Embodying truth-telling is to live out God’s commandments in these orders.

Truth-telling is also embodied in more than mere words. Truth can be expressed by silence, by more than mere verbal expression; in actions that can contain truth or lies.

Acknowledging brokenness is how one takes responsible action. This resists the ideal of moral perfectionism or of trying to maintain a clean conscience based on moral essentialism. The truth-teller is thus one who is invited into the “disorderedness of lies” (Tollefsen, 2014:71), which are maintained, while receiving from God the grace to act. The whole creation participates in this brokenness, of self and others, by participating in Christ.<sup>348</sup> Burtneiss points out Bonhoeffer’s departure from Kant on this point: “The recognition ... that sin and grace affect also our truth telling, sets Bonhoeffer apart from the classic handling of truth telling by Immanuel Kant and his followers” (Burtneiss, 1985:149). “Before God, and with God, we live without God,” Bonhoeffer writes in *Ethics*, as he describes this reality; a world in which “our coming of age leads us to a truer recognition of our situation before God” (DBWE 8:479, 478). This brokenness that calls forth responsibility means that everyone who takes responsibility, becomes guilty.

Again, understandings of community and the self are imbedded in this responsibility. To break community and to assert autonomy that is self-seeking rather than take up this responsibility in

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<sup>348</sup> Bonhoeffer writes in *Ethics* on the ultimate and the pen-ultimate to reflect on human agency and our freedom to act, stating that we are living in the pen-ultimate where ethical action is required, with a view to the ultimate: “To give the hungry bread is not yet to proclaim to them the grace of God and justification, and to have received bread does not yet mean to stand in faith. But for the one who does something penultimate for the sake of the ultimate, this penultimate thing is related to the ultimate. It is a *pen*-ultimate before the last. The entry of grace is the ultimate” (DBWE 6:163).

community, is sin. Green writes, “If sin is self-will, not as an appropriate self-affirmation, but the assertion of self by denying the other, then community is impossible; created sociality is contradicted, and becomes the solidarity of self-isolation” (Green, 1999:121).

## Conclusion

Before the essay breaks off, Bonhoeffer makes a threefold assertion about how one’s word becomes true: “1) By recognizing who calls on me to speak and what authorizes me to speak; 2) by recognizing the place in which I stand; 3) by putting the subject I am speaking about into this context” (DBWE 16:608). What has hopefully emerged from the three dimensions covered in this section on ascribing truth, constituting truthfulness and embodying truth-telling is that this division is artificial, even avoidable. This threefold assertion does not point to a common pattern in his work, and they cannot be read in isolation. The different dimensions have however served the purpose of highlighting the emphases made in Bonhoeffer’s essay, and his theological vision more broadly. More could be added.

Rather than being caught up in phraseology or semantics on truth and truth-telling, this text invites further reflection about living truthfully within a religionless reality; a shift from the “phraseological to the Real”.<sup>349</sup> The following section on the period of church struggle in South Africa will show that truth-telling is not viewed as a general Christian principle, nor is it a pragmatic method to improve the world; it is a theological commitment to the gospel, a form of Christian responsibility and discipleship that is lived out as the church. Asking ‘who is Jesus Christ for us, today’, is framed in the rhetoric of truth, to ask, *who is the truth-teller for us, today?*

## 5.4. Bonhoeffer and Public Theologies in South Africa

### Introduction

Bonhoeffer has been an important conversation partner for doing theology in South Africa with a decisive impact on Christians that sought to understand their role in the struggle against apartheid. This time period and context was indeed a seedbed for Bonhoeffer scholarship and reception, particularly Bonhoeffer the “prophet” and the “agent of reconciliation” (Haynes, 2004:49 – 51;112). His writings, and his lived testimony, helped to foster a “spirituality of

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<sup>349</sup>According to the Editors notes, “This phrase indicates Bonhoeffer’s firm rejection of “hollow phrases” and superficiality in engaging reality (*Wirklichkeit*) in both his daily life and his theology” (DBWE 8:358).

liberation” for those struggling against apartheid (Koopman, 2013:415). For many years he was an ideal dialogue partner for those engaged in the resistance against apartheid. This trajectory of significant reception in South Africa raises the question: how has Bonhoeffer been read in light of the challenges facing South Africa *after* its political transition? It will be shown that in the political and social aftermath of this period of division that essentially shaped the life and witness of the church, Bonhoeffer has indeed remained a part of the theological conversation.<sup>350</sup> The work of interpretation of this legacy is therefore crucially important for this continuing conversation.<sup>351</sup> In addition to looking at how Bonhoeffer has been read in South Africa, his theology on confession will be studied in order to better understand the contours of Christian truth-telling in Bonhoeffer that relate to the TRC.

### **Bonhoeffer Reception in South Africa**

Bonhoeffer’s reception continued with the transition to democracy in 1994. It could be fruitful to yet again ask the question that was posed at the beginning of the Seventh International Bonhoeffer Congress (the first in South Africa), held in Cape Town, South Africa, in January 1996 – just three months before the first hearings of the TRC: “Can it be said that he is still of significance for us today ... in a rapidly changing world?” (De Gruchy, 1997:1). The church

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<sup>350</sup> In the concluding chapter in the third edition of *The Church Struggle in South Africa, “From Church Struggle to Church Struggles”*, Steve de Gruchy writes, “As the previous chapters have illustrated, the hegemonic reach and power of the system and its agencies, together with the overwhelmingly black membership of South African churches, meant that they had no option but to be drawn into its ambit and to orientate their life and witness in response to the system. Furthermore, as we have also identified in the earlier chapters, as the anti-Christian character and brutality of the system became increasingly evident the churches were forced, in defense of the very truth of the gospel itself, to devote more and more time to the struggle against apartheid” (De Gruchy, 2005:223).

<sup>351</sup> Interpreting the reception of Bonhoeffer in South Africa with a “historical responsible hermeneutic,” Robert Vosloo argues, should not be isolated and abstracted from an engagement with the history of “how Bonhoeffer was read, interpreted and embodied in South Africa in the past” (2013:120). Vosloo offers a succinct though comprehensive overview of this reception in South Africa, demonstrating his own observation that important hermeneutical questions need to form the backdrop: *who* are the interpreters, and *where* have they been situated? Additionally, the hermeneutical questions need to be asked of who the audience are, and with what goal in mind this interpretation is done, all the while taking seriously “the continuity and discontinuity between Bonhoeffer’s life, thought and world and that of his modern-day interpreters” (2013:120). Not only does this paper orientate Bonhoeffer reception historically in South Africa, but it also offers observations regarding an “adequate methodology” for interpreting Bonhoeffer in South Africa today (Vosloo, 2013:120). This includes at least four classifying adjectives with which Vosloo describes this hermeneutic: a vulnerable hermeneutic, a realistic hermeneutic, a communal hermeneutic and a participatory hermeneutic (Vosloo, 2013:133). These hermeneutical markers help not only in situating ongoing Bonhoeffer scholarship, but act as lenses with which to read Bonhoeffer responsibly, today.

struggle against apartheid was undergoing an uncertain transformation following the political changes in South Africa. The theme arose in this context, prompting in its own way a vulnerable hermeneutic as it drew on Bonhoeffer's legacy and work to ask a self-reflective question (which was also the theme for the congress), "Are we still of any use?" (De Gruchy, 1997:1).<sup>352</sup> It was not only directed at the role of churches and theologians in the democratic transformation of South Africa, but to question the value of Bonhoeffer's legacy in a democratic South Africa (De Gruchy, 2013:18). Then, as now, discontinuities will continue to raise new answers and perhaps new questions.

Although the International Congress took place just months before the start of the TRC, there was little reflection on how Bonhoeffer could inform actual involvement of the church and theologians in its functioning. Yet there was "a resounding 'yes'" to the question of Bonhoeffer's use in South Africa, with issues related broadly to justice and reconciliation highlighted as enduring questions (De Gruchy, 2013:18).<sup>353</sup> The question on the concrete role and function for churches and theologians - whether they were still of any use - was answered more ambiguously (De Gruchy, 2013:19). A shift in political power posed new questions to "a prophetic vision", and public theology broadly, and "there was a growing awareness that speaking truth to power, even in a post-apartheid South Africa, would not be easy and straightforward" (2013:19). Many prominent leaders had withdrawn from public critical engagement with the new government. De Gruchy places specific emphasis on the fact that "the transition to a non-racial democracy did not mean that democratic transformation would

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<sup>352</sup> The question was drawn from Bonhoeffer's essay "After Ten Years. Are We Still of Any Use", which considered the building of a new Germany after Hitler and the war. It is included in DBWE 8:52.

<sup>353</sup> "Questions were raised about the implications for Bonhoeffer's anthropology, ethics, and spirituality in dealing with social agency, as well as both gender and political power relations, as we considered poverty and the scourge of HIV/AIDS as the new *status confessionis* or *kairos*" (De Gruchy, 2013:19, 20). Russel Botman also penned an important summary of the panel discussion that concluded the Congress. In this discussion, Denise Ackermann emphasized the issues of agency, gender and power, raising the question of who the "we" refers to ("Are we still of any use?") in the search for an ethic of responsibility and resistance. She also called for gender analysis and "inclusive theology enterprise" as opposed to "malestream theology", "because the question depends on one's context and the particularities of one's experience as much as it does on universal truth claims made by Christianity" (Botman, 1997:367,368). Bonhoeffer's anthropology and views on power apply here. Molefe Tsele raised the issue of land as a major area of concern for South African theology. The question that Botman highlights remains crucial and pertinent for churches today: "How are restitution and respect for land to be done at this *kairos* moment in South Africa, and what are the task and role of the church in this" (1997:369)? John Klaasen, a young black student, raised prophetic questions related to the majority of youth that remained disadvantaged, and without clear guidance on dealing with restitution and guilt. He also expressed the need for an ecumenical vision for youth and a revisitation of the Christological question in South Africa in light of the need for an interfaith youth movement (1997:370).

inevitably flow. Our swords, as Bonhoeffer might have said, were in danger of becoming rusty” (2013:19). Botman recalls Bonhoeffer’s words in the (un)derivative essay: “What we shall need is not geniuses, or cynics, or misanthropes or clever tacticians, but plain, honest, straightforward men” (1997:371). Truth-tellers.

Valuable, critical comparisons have been made by Bonhoeffer interpreters between the situation in Nazi Germany and the South African context during apartheid.<sup>354</sup> One major initial comparison that presented itself in Bonhoeffer reception is the Confessing Church movement and the ecumenical church struggle against apartheid. John de Gruchy, considered internationally as a foremost Bonhoeffer scholar and manifestly responsible for igniting and sustaining Bonhoeffer scholarship for decades in South Africa, has reflected widely on these comparisons. The discussion about a “confessing movement” arose with the formation of the Christian Institute of Southern Africa (CI) in 1963 (De Gruchy & De Gruchy, 2005:102). The CI was an ecumenical initiative aimed at bearing witness to Christ by challenging and guiding Christian understanding and action in light of political apartheid. The CI grew out of ecumenical Bible study groups that were started even before the Cottesloe Consultation, and from a need to live out the theological convictions that had been formed and had started to circulate in *Pro Veritate*, a journal launched by Beyers Naudé in 1962 (Naudé, 1962:3). While the German Church Struggle (*Kirchenkampf*) influenced the work of the CI and Naudé, its Director at the time, there were decisive discontinuities between the German model and churches in South Africa. One example is that while a “confessing element” existed within the churches in South Africa, church leaders had the need to join as members of their own churches rather than create a separate church (De Gruchy & De Gruchy, 2005:105).<sup>355</sup>

The ecumenical work of the CI and Bonhoeffer reception in South Africa is seen concretely in the life and work of Beyers Naudé, whose own life has been compared to Bonhoeffer. De Gruchy acknowledges Naudé’s “Bonhoeffer-like role” as primary in Bonhoeffer reception in South Africa (De Gruchy, 1997a:355). He warrants this comparison between Beyers and

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<sup>354</sup> Being sensitive to the discontinuities remains important in such a comparison. McBride argues for thinking within the movement of Bonhoeffer’s thought, “to pick up where he left off and to further his line of thinking to the rhythm of the entirety of his thought” (2012:16). She quotes Hanfried Müller, “I believe that the right way to follow Bonhoeffer is to take up his development, his path, his intention and the tendency of his work: to follow him rather than to stifle his vigor and vitality with a system” (2012:16).

<sup>355</sup> De Gruchy provides more background to this discussion and the continuities and discontinuities in *The Church Struggle in South Africa* (2005:104 – 105).



Bonhoeffer on the basis of their respective striving to be faithful in their witness to Jesus Christ, each within their respective, partially comparable contexts. Naudé was first exposed to Germany and the history of the Confessing Church, including the Barmen Declaration and Dietrich Bonhoeffer's writings, while on a study tour in 1953 (De Gruchy & De Gruchy, 2005:84). De Gruchy also notes how Naudé was present at the very first International Bonhoeffer Congress in 1971 in Düsseldorf, coincidentally. With the Confessing Church as one of its main sources of inspiration, he led the formation of the CI in 1963, and expressed his own thinking on the Confessing Church in *Pro Veritate* (Meiring, 2007:153; Villa-Vicencio & De Gruchy, 1985:17). Naudé wrote several articles on the background of the Confessing Church, arguing for the need for a confessing church in South Africa.<sup>356</sup>

The conversation between the German and South Africa contexts would continue with Eberhard Bethge, Bonhoeffer's closest friend and biographer, who was invited to South Africa for a lecture series in 1973 by De Gruchy, then the Director for Communications and Studies in the South African Council of Churches (SACC) (De Gruchy, 1975:7).<sup>357</sup> Bethge's address, *A Confessing Church in South Africa? Conclusions from a visit*, set the tone for further interpretations of Bonhoeffer.<sup>358</sup> It was also at this conference that Bethge called Naudé "South Africa's Bonhoeffer".<sup>359</sup> De Gruchy observes that this was the expression of a carefully considered opinion that had been formed for many years before Bethge's visit in 1973. Essentially, it was their authenticity and the integrity of their witness that made them so comparable:

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<sup>356</sup> Naudé's own reflection on Bonhoeffer's influence in his life, as spoken in an interview with Keith Clements at the 1996 International Bonhoeffer Conference is recorded in Hansen, L. & Vosloo, R.R. (eds.). 2006. *Oom Bey for the Future: Engaging the Witness of Beyers Naudé* (Beyers Naudé Centre Series on Public Theology). Stellenbosch: Sun Press. 169-170.

<sup>357</sup> These lectures have been edited and published by De Gruchy as *Bonhoeffer: Exile and Martyr* (New York: Seabury Press, 1975). Also see De Gruchy's valuable book on Bethge, *Daring, Trusting Spirit: Bonhoeffer's Friend Eberhard Bethge* (Minneapolis: Fortress Press, 2005).

<sup>358</sup> De Gruchy writes that he responded to this question with "probably the kind of response which Bonhoeffer would have given to the same question" (De Gruchy, 1975:36).

<sup>359</sup> Wolfgang Huber illustrates the extent of Bonhoeffer reception through the work of Naudé and De Gruchy: "The witness of Beyers Naudé, the contribution of Eberhard Bethge, but even more the contributions of John de Gruchy brought Bonhoeffer's theology so close to the South African context that some people even asked: When did Bonhoeffer visit South Africa? You all know the answer: De Gruchy brought him to South Africa" (2014:974). Cf. De Gruchy, J.W. 2015. Beyers Naudé: South Africa's Bonhoeffer? Celebrating the centenary of the birth of Beyers Naudé – 1915-2015, in *Stellenbosch Theological Journal*, Vol 1(1): 79–98.

Whatever the similarities between their formation as Christians and pastors, or that of their respective roles in the church struggles in their countries, in the end they became models of a new style of being Christian in the world today that has inspired others. And it is this integrity in which word and action, confession and resistance, are in harmony that finally unites them as human beings and Christians (De Gruchy, 2015:98).

Not only the Confessing Church, but also the Barmen Declaration that arose from the German context, continued to have widespread reception in South Africa through the various theological responses by churches to apartheid. A ‘realistic hermeneutic’ of Bonhoeffer would need to take the reality of the historical past seriously, and work with a “careful and responsible engagement with documents and the archive” (Vosloo, 2013:136).<sup>360</sup> Such a treatment of the writings of Bonhoeffer and his context, including documents such as the Barmen Declaration, is evident in the South African reception.

It was Bonhoeffer’s use of *status confessionis*, tied to the history of the German Church Struggle (*Kirchenkampf*) and the Barmen Declaration, that has been particularly influential in how South African churches and theologians have understood their witness to the truth of the gospel during apartheid. *Status confessionis* is a term ‘recovered’ from its use in the 16<sup>th</sup> century in the Lutheran Formula of Concord by Bonhoeffer in “The Church and the Jewish Question,” (DBWE 12:362) (Meiring, 2017:21; Vosloo, 2009:128; DeJonge, 2017:43). Its use was part of theological language used to respond to “a moment of truth” that had arrived in South Africa, as the gospel itself was put at risk, calling the church to confess their faith.<sup>361</sup> A ‘realistic hermeneutic’ helps to show where the Kairos Document and the Belhar Confession both differ and relate to theological documents produced by Bonhoeffer and his context.<sup>362</sup>

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<sup>360</sup> There is some assurance that future research on Bonhoeffer will be more accessible and potentially ‘realistic’ with the completion of the Dietrich Bonhoeffer Works in English that makes his work more accessible.

<sup>361</sup> For a detailed background on how Bonhoeffer drew from the Lutheran tradition for his understanding of *status confessionis*, see DeJonge, M.P. “Bonhoeffer, *status confessionis*, and the Lutheran tradition,” *Stellenbosch Theological Journal*, 2017, Vol 3, No 2, 41–60. The term was first raised with Eberhard Bethge’s visit to South Africa in 1973, and later through the Lutheran and Reformed churches, most popularly known in the formation history of the Belhar Confession. Cf. Michael DeJonge, *Bonhoeffer on Resistance: The Word against the Wheel* (Oxford: Oxford University Press, 2018), 8.

<sup>362</sup> The continuing focus on Kairos theology is relevant in this regard. The thirtieth anniversary of the publication of the *Kairos Document* was celebrated in August 2015, sparking new reflection. See De Gruchy, J.W. 2016. *Kairos moments and prophetic witness: Towards a prophetic ecclesiology*, *HTS Teologiese Studies/Theological Studies* 72(4), a3414, <http://dx.doi.org/10.4102/hts.v72i4.3414>; Boesak, A.A. 2015. *Kairos, Crisis, and Global Apartheid: The Challenge to Prophetic Resistance*. Palgrave Macmillan. And Boesak, A.A. 2017. *Pharaohs on*

They show the longstanding theological conversation between Bonhoeffer's context and South Africa.<sup>363</sup>

To this insistence on the essential treatment of documents, the observation can also be taken seriously that it was Bonhoeffer's actions of political resistance, more than his theological writings, that inspired Christian activists in apartheid South Africa (De Gruchy, 2013:16). Comparisons of South Africans such as Beyers Naudé, Steve Biko, and Nelson Mandela, are chiefly based on understandings of Bonhoeffer's activism and character.<sup>364</sup> Though indispensable, interpreters of Bonhoeffer's legacy in the church struggle stress that Bonhoeffer's influence should not be overemphasized (De Gruchy, 2013:15,16). Indeed, the African Christian witness against colonialism and apartheid existed long before the Cottesloe Consultation, or the theological contributions of bodies such as the CI that drew on Bonhoeffer (De Gruchy, 2013:16). De Gruchy recalls that "while some white Christians were engaged in a struggle partly inspired by the *Kirchenkampf*, black theologians were developing their own agenda inspired by the Black Consciousness Movement" (De Gruchy, 2015:91).

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*Both Sides of the Blood-Red Waters: Prophetic Critique on Empire: Resistance, Justice, and the Power of the Hopeful Sizwe - A Transatlantic Conversation.* Cascade Books: USA.

<sup>363</sup> Smit states this explicitly when he writes, "...Belhar itself is the product of a long and intense conversation with Barmen, with Barth, Bonhoeffer, the German Confessing Church, and the history of its reception and interpretation" (Smit, 2006:292). In this paper, Smit continues to unpack why the Barmen Theological Declaration so powerfully inspired and informed so many South African Christians during the struggle against apartheid. See important and influential works that details these developments, *Barmen and Belhar in conversation: A South African Perspective* (Smit, 2009f); *What does status confessionis mean?* (Smit, 1984); *Towards a confessing church* (De Gruchy, 1983); *A status confessionis in South Africa?* (Smit, 1984b); *Social transformation and confessing the faith? Karl Barth's views on confession revisited* (Smit, 2000); *'The doing of the little righteousness' – on justice in Barths view of the Christian life* (Smit, 2004).

<sup>364</sup> Stephen Bantu Biko, leader of the Black Consciousness Movement, has retrospectively been labelled as an "African Bonhoeffer" (Du Toit, 2008:28). Du Toit focuses on "the insistence on independence and self-responsibility" that he understands to be evident in Bonhoeffer's thinking, and which he considers a premise of Biko's thinking too (Du Toit, 2008:28). Although Du Toit references Bonhoeffer's writings (*Ethics and Letters and Papers from Prison*), commentary on the notions of *responsibility* and its relation to *freedom* and *obedience* are made in a cursory fashion without systematic theological engagement. De Gruchy adds to the comparison between Bonhoeffer and Biko by stating: "If Beyers Naudé helped some fellow white Christians to discover the relevance of Bonhoeffer, Biko embodied Bonhoeffer's spirit of resistance and political responsibility in reinvigorating black protest and exerting control of the struggle against apartheid" (De Gruchy, 2013:16).

According to Meiring, Nelson Mandela's famous 'Speech from the dock' before his conviction and imprisonment at the Rivonia Trial has been compared to Bonhoeffer's essay on *The structure of responsible life* (Meiring 2017:21). For a much more comprehensive comparison between Mandela and Bonhoeffer, see *Dietrich Bonhoeffer and Nelson Mandela: the dilemma of violent resistance* (De Gruchy, 2014b) (Cf. De Gruchy, 2016b).

Despite the fact that the life and legacy of Bonhoeffer has been embraced broadly and ecumenically in South Africa in multi-racial bodies such as the SACC and CI, he was not widely known among all black Christian theologians or activists during apartheid, according to De Gruchy (2013:16). Exceptions include Allan Boesak, Manas Buthelezi, particularly in their interpretation of *status confessionis* (De Gruchy, 2013:16).<sup>365</sup> Indeed, other black theologians could be added to this list, such as Desmond Tutu.<sup>366</sup> Russel Botman can be singled out as making an exceptional impact in South Africa by interpreting and embracing Bonhoeffer. Already in his doctoral dissertation on Bonhoeffer, he mentions his intention for his study as a response to a call by Beyers Naudé that South African churches “should be much more aware of the need for a vision of a future community” (Smit, 2015:609). Through this work, Koopman believes he laid the foundations for “a public theology of discipleship and citizenship in pluralistic societies in the context of globalization” (Koopman, 2013:417). He frequently reflected on “Christ existing as community in the world” and supported the use of Ubuntu as “an emergent South African metaphor for nation, community, personhood and sociality” over-against speaking about a theology of reconstruction in the transition from apartheid (Botman, 1997:32).<sup>367</sup>

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<sup>365</sup> Both Manas Buthelezi and Allan Boesak made important addresses which engaged with *status confessionis*, respectively at the Lutheran World Federation (LWF) meeting in Dar es Salaam in June 1977, and at the World Alliance of Reformed Churches (WARC) meeting in Ottawa, Canada, in 1982 (De Gruchy, 2015:93). Nico Koopman recalls the influence of Bonhoeffer on students studying at The University of the Western Cape during apartheid, and how Bonhoeffer was often quoted with reference to his proposals for “hope-giving life in communion, and for the nurturing of a political spirituality that called for reverence for God and involvement in the affairs of God’s world” (Koopman, 2013:415).

<sup>366</sup> Apart from his association with Bonhoeffer through his own activism and involvement in ecumenical bodies such as the SACC, Tutu also had contact with Eberhard Bethge, and presented on Black Theology at a seminar in October 1974, sponsored by the Evangelical Church in the Rhineland (De Gruchy, 2015:92).

<sup>367</sup> See his contribution at the International Bonhoeffer Congress in Cape Town in 1996, published as Botman, H.R. 1997. Who is ‘Jesus Christ as Community’ for Us Today? The Quest for Community: A Challenge to Theology in South Africa. *Journal of Theology for Southern Africa*, (97), March: 30-38. For an overview of how Botman read and appropriated Bonhoeffer as a South Africa theologian, see Smit, D.J. 2016. On the reception of Bonhoeffer – A case study of South-South dialogue. *Stellenbosch Theological Journal*, 2(1):89-107. See also the first Russel Botman Memorial Lecture, published as Smit, D.J. 2015. Making History for the Coming Generation – On the Theological Logic of Russel Botman’s Commitment to Transformation. *Stellenbosch Theological Journal*, 1(2): 607-632. Herein Smit affirms his communal hermeneutic by stating, “Like many other church leaders and theological figures in the struggle, he was therefore searching for the proper forms for such responsible discipleship in the world of politics, power and public life. Learning from Bonhoeffer, he expressed this search in the form of questions regarding the responsible relationship between being disciples and being citizens” (Smit, 2015:617).

The emergence of the Black Consciousness Movement and the rise and influence of Black Theology also affected the role some white Christians would play in the church struggle against apartheid. Bonhoeffer has been influential in the development of different forms of liberation and black theology (De Gruchy, 1984:68). Indeed, “Bonhoeffer spoke most challengingly not to those who were suffering from injustice, but to those who, like himself, were racially privileged. He challenged us to “see things from below, from the perspective of those who suffer,” and to do theology from that starting point” (De Gruchy, 2013:17).<sup>368</sup> The references and South African reflections on truth-telling as confession by Boesak and De Gruchy covered in this chapter can also be recalled. These brief examples show that no one ‘claimed’ Bonhoeffer in South Africa, but that his theology has crossed many boundaries and found reception within the task of restoring unity in both church and society.

Bonhoeffer’s own “timeful understanding of reality” is an important hermeneutical key in participating in continued Bonhoeffer scholarship (Vosloo, 2013:139).<sup>369</sup> De Gruchy captures this with the following observation:

Indeed, the theologian in South Africa is in a unique setting in which the legacy of the Western European theological tradition, as well as its contemporary expressions, meets the vibrant theologies of Africa and the black theologies of liberation.... Part of Bonhoeffer’s significance is that he provides those of us who by training and tradition are rooted in the Western theological enterprise with resources needed to bridge these gaps and to do so in a creative manner (De Gruchy, 1984:34).

It was leaders such as Russel Botman, and also Allan Boesak, who have been able to go “with Bonhoeffer, beyond Bonhoeffer” (De Gruchy, 2009:403).<sup>370</sup> Boesak writes about his own indebtedness to Bonhoeffer in his theological formation, and as a theological voice calling him

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<sup>368</sup> De Gruchy writes about the impact of Bonhoeffer on his own thinking, “Reflection on his thought and actions helped me to see how those who are affluent and privileged need to be liberated in order to share in the struggle for justice”. He elaborates on this in the chapter *The Liberation of the Privileged*, in De Gruchy, J.W. 1984. *Bonhoeffer and South Africa: Theology in Dialogue*. Grand Rapids: W.B. Eerdmans. 67-89.

<sup>369</sup> See Vosloo, R.R. 2008. Bonhoeffer on Temporality and the Fully Human Life. *Scriptura*, (99):337-349.

<sup>370</sup> De Gruchy states that this phrase was used by the Bonhoeffer Circle in Cape Town when posing Bonhoeffer’s “programmatic” question, “Who is Jesus Christ really for us, today?”. The title of De Gruchy’s closing contribution at the International Bonhoeffer Congress of 2008 reads, De Gruchy, J.W. 2009. With Bonhoeffer, Beyond Bonhoeffer: Transmitting Bonhoeffer’s Legacy, in J.W. De Gruchy. S. Plant. C, Tietz. (eds.). *Dietrich Bonhoeffer’s theology today: a way between fundamentalism and secularism?* Gutersloh: Gutersloher Verlagshaus. 403 - 416.

into the resistance against apartheid through lived theology. He reflects on his own praxis of going ‘beyond’ Bonhoeffer; “Can there, I ask myself, be any real understanding of the man and of what he has written, if there is no understanding and if there is no sharing of the commitment that he so obviously had? I ask this because this is what Bonhoeffer means to us and to me” (Boesak, 1991:23).

Boesak calls Bonhoeffer an “authentic theologian” (1999:29) and finds in him the type of prophetic witness that understood that “what really counts is the freedom of the Word of God, that freedom to speak and to act as the Gospel compels us to do” (1999:28). This contribution by Boesak at a conference in Amsterdam in 1988 further demonstrates the many theological parallels that could be drawn between Bonhoeffer’s context and South Africa in the last years of apartheid.

It has been stated that Bonhoeffer’s reception in South Africa has been “more in the area of struggle than in academic study” (De Gruchy, 1997a:354). Notwithstanding, the academic study of Bonhoeffer’s work also comprises a significant corpus. De Gruchy was the first South African to complete a doctoral dissertation on Bonhoeffer’s work in 1972, paving the way for many other academic studies by South Africans.<sup>371</sup> At least three dissertations were produced in conversation with the theology and praxis of Bonhoeffer in the period of political transition from apartheid to democracy.<sup>372</sup>

Bonhoeffer scholarship and reflection continued in the late 1990’s and early 2000’s through the “Bonhoeffer Circle”, a research community gathered around John de Gruchy at the University of Cape Town. Several of the graduate students that De Gruchy was supervising were working on Bonhoeffer’s theology (De Gruchy, 2015:218).<sup>373</sup> Reflection on Bonhoeffer’s

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<sup>371</sup> Over the course of his career, John de Gruchy has been not only formed by Bonhoeffer’s theology himself, but has continued to reflect on the South African context in dialogue with Bonhoeffer. De Gruchy explains the extent of Bonhoeffer’s influence in his own words in De Gruchy, John W. “In Dialogue with Dietrich Bonhoeffer.” In *A Theological Odyssey: My Life in Writing*, 51-70. Stellenbosch: Sun Press, 2014. His first major study of Bonhoeffer was his doctoral dissertation, De Gruchy, J.W. 1972. *The Dynamic Structure of the Church: A Comparative Analysis of the Ecclesiologies of Karl Barth and Dietrich Bonhoeffer*. Unpublished doctoral dissertation. Pretoria: UNISA.

<sup>372</sup> These works grappled with Bonhoeffer’s understanding of the confession of guilt (Botha, 1989), the credibility of the church’s witness (Anthonissen, 1993), and Bonhoeffer’s understanding of discipleship in the context of the transformation of South African society (Botman, 1993).

<sup>373</sup> See Forrest, M.R. 1987. *Christology from Below: an examination of the Black Christology of Takatso Mofokeng in the context of the development of Black Theology in South Africa and in critical relation to the*



work and legacy has been strengthened and continues fruitfully in South Africa, fittingly coupled with the legacy of Naudé, within the Beyers Naudé Centre for Public Theology at Stellenbosch University.<sup>374</sup> The Institute launched its own Bonhoeffer Unit in September 2014 and held its first major event in 2015, a consultation on "Bonhoeffer and the Global South: Reception and Contemporary and Future Challenges".<sup>375</sup> The many peer-reviewed publications and significant academic contributions by the Bonhoeffer Unit's Director, Robert Vosloo, demonstrates the ongoing dialogue.<sup>376</sup> Post-graduate research also continues to participate in

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Christological ethic of Dietrich Bonhoeffer. Unpublished doctoral dissertation. Cape Town: University of Cape Town; Steiner, R. 2004. From Phraseology to Reality: A 'Theological Geography'. Bonhoeffer's Early Travels and the Notion of Boundary. Unpublished doctoral dissertation. Cape Town: University of Cape Town.

<sup>374</sup> The current Director at the Beyers Naudé Centre for Public Theology, Dion Forster, has also published on Bonhoeffer. See Forster, D.A. 2016. A state church? A consideration of the Methodist Church of Southern Africa in the light of Dietrich Bonhoeffer's Theological position paper on state and church. *Stellenbosch Theological Journal*, 2(1):61–88.

<sup>375</sup> Interestingly, the Beyers Naudé Centre for Public Theology was the "brainchild" of Russel Botman, who was also its first director of the Centre. In 2016 the Bonhoeffer Unit focused its annual consultation on *Sanctorum Communio*, and also included a public lecture by John de Gruchy titled, "Bonhoeffer: Prophet for our Time. Kairos Theology in a Global Era" (De Gruchy, 2016). The following International Bonhoeffer Congress will be held in Stellenbosch in January 2020.

<sup>376</sup> Apart from the other works cited in this chapter, see the following contribution by Vosloo on Bonhoeffer: Vosloo, R.R. 2017. Dietrich Bonhoeffer's Reformation Day Sermons and Performative Remembering. *Theology Today*, 74(3):252–262; Vosloo, R.R. 2015. Bonhoeffer, our contemporary? Opening paper at the conference *Bonhoeffer and the Global South: Reception and contemporary and future challenges*. Faculty of Theology, Stellenbosch University. Unpublished; Vosloo, R.R. 2012. Bonhoeffer, Transcendence, and the Turn to Religion, in W. Stoker. & W.L. Van der Merwe (eds.). *Transcendence and culture: A Typology of Transcendence*. Leuven: Peeters. 45–64.; Vosloo, R.R. 2012. The reception of Augustine in Bonhoeffer's thought, in K. Polman (ed.). *The Oxford Guide to the Historical Reception of Augustine*. Oxford: Oxford University Press.; Vosloo, R.R. 2009. Bonhoeffer, Leadership and a Call to New Authority: A South African Theological Perspective, in C. Tietz., S. Plant., J.W. De Gruchy (eds.). *Dietrich Bonhoeffers Theologie heute: Ein Weg zwischen Fundamentalismus und Säkularismus? / Dietrich Bonhoeffer's Theology Today: A Way between Fundamentalism and Secularism?* Güterloh: Güterloher Verlagshaus. 352–366.; Vosloo, R.R. 2008. The feeling of time. Bonhoeffer and Temporality and the Fully human life. *Scriptura* 99(3):337–349.; Vosloo, R.R. 2007. Beyond Spirituality: Bonhoeffer and Responses to the Dejudaization of Christianity. *Journal of Theology for Southern Africa*, (127):82–95.; Vosloo, R.R. 2006. Body and Health in the light of the theology of Dietrich Bonhoeffer. *Religion and Theology*, 13(1):23–37.; Vosloo, R.R. 2005. Dietrich Bonhoeffer and Beyers Naudé on discernment. Paper read at the American Academy of Religion in Philadelphia, Pennsylvania.; Vosloo, R.R. 2005. Bonhoeffer on Freedom and Authority. Paper read at the Church-State Conference at the University of Stellenbosch.; Vosloo, R.R. 2002. The Promise of Dietrich Bonhoeffer's Theological Anthropology for Reconfiguring Holiness, in C. Gremmels & W. Huber (eds.). *Religion im Erbe: Dietrich Bonhoeffer und die Zukunftsfähigkeit des Christentums*. Güterloh: Christian Kaiser. 125–143.



this work.<sup>377</sup> The follow section is a reflection on Bonhoeffer and the practice of truth-telling as confession.

### **Truth-Telling as Confession in Bonhoeffer**

Not all wounds that were made can be healed; but it is critical that no further wounds be inflicted. The law of retaliation, “an eye for an eye and a tooth for a tooth,” is reserved for God, the judge of the nations. In human hands it only causes new disaster. The precondition for this intrahistorical forgiveness remains the scarring over of guilt, in that justice emerges out of violence, order out of arbitrariness, peace out of war. Where this does not happen, where injustice rules unchecked and inflicts ever-new wounds, there can certainly be no talk about such forgiveness. Instead, our first concern must be to resist injustice and to convict the guilty of their guilt (DBWE 6:144).

This powerful extract from Bonhoeffer’s *Ethics* reads like a sermon from a South African theologian during its historical moment of transition, that sought to hold in tension guilt, forgiveness and justice. South African theologians did indeed make these same insurances on the necessity of truth-telling as confession of guilt. Throughout Bonhoeffer’s life and writings, the focus on the Christian practice of confession of guilt and sin, and of repentance, stand central. How and why this practice can be understood as a paradigmatic form of Christian truth-telling will be demonstrated through Bonhoeffer’s writings and witness, and by engaging primarily with the recent work of other Bonhoeffer scholars.

Writing about guilt amongst the white population in South Africa in the late 1970’s, De Gruchy observes how guilt has been “pushed beneath the boundary of consciousness,” and that “it exacerbates the inability to come to terms with reality because it leads to a continual need for self-justification instead of the repentance that could help bring about change and reconciliation. It is indicative of a profound spiritual malaise that prevents the development of normal, healthy social relations and thus the healing of divisions within the country” (1984:72).

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<sup>377</sup> The work of the Bonhoeffer Unit has included post-graduate research on Bonhoeffer. See Dunn, P. 2016. “To Know the Real One” Christological Premeity in the theology of Dietrich Bonhoeffer. Unpublished thesis. Stellenbosch University; Dunn, P. 2018. Discipleship as Theological Prolegomenon: Implications for the Relation of Theory and Praxis in the Work of Pascal, Kierkegaard, and Bonhoeffer. Unpublished doctoral dissertation. Stellenbosch University; Radler, K. 2019. “Decision” in the thought of Dietrich Bonhoeffer and Carl Schmitt: A comparative study. Unpublished doctoral dissertation. Stellenbosch University.

In reference to theologians who, during apartheid, acknowledged the injustices taking place, but failed to acknowledge their responsibility to take action against these injustices, Boesak speaks powerfully about guilt. “It is this desire to be proclaimed innocent that makes them the more guilty, even in the eyes of those that suffer,” he writes (1991:26).<sup>378</sup>

Boesak found great resonance in Bonhoeffer’s conviction to take responsibility, even in an “extraordinary situation” (DBWE 6:273) such as an act of violence that infringes on God’s law. Such responsibility accepts guilt for actions and is done in the knowledge of God’s forgiveness. This responsibility is informed by taking seriously the context in which theology is done, and the realities of this world. He states:

It never, so we heard, occurred to Bonhoeffer that he could claim not to be responsible for the deed of Hitler or that he could avoid guilt by not sharing in the plot, which suggested to me that his readiness to accept responsibility for what was happening in Germany, his readiness to accept the guilt for what was happening and to take the steps that were necessary to bring about the change that he believed must come, that that decision and that responsibility alone places this man in a category of theologians that almost does not exist today (Boesak, 1991:25).

Also speaking to the importance of responsibility and the public task of the church, De Gruchy wrote in 1994: “Unless there is a confession of guilt by white South Africa, a confession in which the church should be at the forefront, and unless such a confession is embodied in the fundamental restructuring of the economy of the land and making significant reparation for past oppression, the country cannot be healed” (1994:290).

Bonhoeffer scholar, Jennifer McBride, offers an important contribution to public theology by showing the contours of confession and repentance in the work of Bonhoeffer, and how it might translate into her North American context. The central argument of her book, *The Church for the World: A Theology of Public Witness*, is that “The church witnesses to Christ when it takes the form of the humiliated, crucified God, the form I define as acceptance of guilt, or confession of sin, unto repentance” (McBride, 2012:57). She thus connects her understanding of

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<sup>378</sup> Boesak’s doctoral thesis, completed in 1976, was titled, *Farewell to Innocence: A Socio-Ethical Study on Black Theology and Black Power*, in which he identifies this prevalence of innocence amongst white people, or pseudo-innocence, as a clear barrier to awareness, responsibility and therefore any genuine reconciliation. See Boesak, A.A. 2015. *Farewell to Innocence: A Socio-Ethical Study on Black Theology and Black Power*. Eugene, OR: Wipf and Stock Publishers.

“confession of sin unto repentance” to a “redemptive public witness” set in the historical moment of “our pluralistic democracy at the beginning of the twenty-first century” (2012:7,8). McBride therefore distinguishes her context from that in which Bonhoeffer was writing, and different from that which Bonhoeffer perceived to be true for the West. Instead of trying to develop a theology of confession and repentance *per se*, she shows how confession and repentance are foundational for public witness. It is the *form* that the church takes in witnessing to truth. The phrase “confession unto repentance,” McBride explains, “describes *an ecclesial mode of being in the world*, encompassing both act and speech, that provides the church with an ethical framework for social and political engagement and a description of a particularly Christian disposition in public life” (2012:17).<sup>379</sup>

McBride’s focus on “confession and repentance as a non-triumphal public witness” is aimed at white Protestants in the context of the United States, “who benefit in countless recognized and unrecognized ways from being part of the dominant culture,” also citing it as her own social location; “Bonhoeffer writes, as I do, from a position of social power and privilege and argues from that place that the acknowledgement of guilt is definitive for the church” (2012:9). McBride acknowledges that a focus on confession of sin and guilt is “problematic and counterproductive if applied to church-communities who are the victims of pervasive sin and injustice” (2012:9). “Guilt”, as used by Bonhoeffer, is understood here as taking responsibility for sin, not merely an uneasy conscience. McBride notes how he uses the concept to amplify the Confessing Church’s sense of responsibility in relation to the evils of Nazi Germany, whereas she does likewise in attempting to hold “Christians who benefit from various degrees of social, economic, and political power accountable for the injustices that plague our society” (2012:10). According to McBride, marginalized communities can therefore also partake in taking responsibility, in ways that correlate or correspond to repentance of privileged groups.

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<sup>379</sup> McBride directs her inquiry into public theology through three foundational questions: “What ought Christians be witnessing to through their social and political engagement? More specifically, what claims should Christians be making about the person and work of Christ through their public activity? What claims should Christians be making about their own identity as church and about the relationship of the church to the surrounding world?” (2012:9). McBride therefore engages the three dimensions of Christ (Christology), the church (ecclesiology) and the world (‘worldliness’) through the theme of repentance as a “humble witness”; “simultaneously non-triumphal and faithful to a Christian proclamation of the lordship of Christ” (2012:9). Her work is that of going “beyond Bonhoeffer with Bonhoeffer” (De Gruchy), in reflecting on how his insights may speak to her own local context.

Boesak speaks to the strong impulse in Bonhoeffer's witness to give up privileges and take up the responsibility to act against injustice. "Can those in positions of privilege really change?" Bonhoeffer says yes, and I must continue to go back to Bonhoeffer to prevent myself from becoming totally cynical as I live in South Africa and watch the white theologians of my country in terms of their own decision" (1991:27,28). He places particular emphasis on Bonhoeffer's personal sacrifice and his readiness to accept the guilt for what was happening in Germany. For Boesak, Bonhoeffer helped to navigate a time of transition; "From him we learn that we should know not to deny our broken past, but to accept it and, in so doing, to respond to the demands of the present" (Boesak, 1991:28). As Bonhoeffer also said, "Gratitude and repentance are what keep our past always present to us" (DBWE 8:181).

Traveling to Rome as a young student in the spring of 1924, Bonhoeffer was exposed for the first time to the act of confession in the Catholic church, and how this act is a concrete experience of faith within community (Tietz, 2016:9). Bonhoeffer's use of terms such as "repentance" and "acceptance of guilt" found precedence in Luther, but also support in Barth, one of his great influences (McBride, 2012:59). Bonhoeffer's most expansive treatment of the ethical dimension of confession of guilt is in *Guilt, Justification, Renewal*, in which he speaks of the "act-dimension of sin" (Harasta, 2016:63). Here again Christ, church and world are related to the confession of guilt. Acknowledgement of guilt toward Christ is therefore the church's process of being conformed to Christ in the world; becoming "real" through being "taken on in Christ", "judged" by being "confronted by the cross" and "renewed" by participating "in the resurrection" (DBWE 6:134). The three 'acts' Bonhoeffer speaks of give form to his understanding: Becoming real is becoming guilty; as Christ in his incarnation. Being judged is struggling against evil; as Christ on the cross. Being renewed is living out hope; as Christ in his resurrection. These are not separate or distinct acts that can be neatly cordoned off, but together structure reality.

What is the guilt, the truth, about which the church is called to be real? This guilt, Bonhoeffer explains, is not the "occasional mistake or going astray" and its acknowledgement is not prompted by "experiences of dissolution and decay" (DBWE 6:135). Rather, by looking to Christ and the form Christ has taken, a "process of human confrontation with Christ" takes place where we are grasped by grace (DBWE 6:135). Guilt is born out of being brought into relationship with Christ, with grace. Confession of guilt is "regaining the form of Jesus Christ who bore the sins of the world" (DBWE 6:141). It is to come to terms with the form of Jesus

Christ, and therefore your own form. This is a truism in the Lutheran tradition, that “sin becomes recognizable only retrospectively, from the perspective of reconciliation” (Harasta, 2016:61). Bonhoeffer makes it clear that confession of guilt is therefore not just an individual exercise in recalling illicit actions. The “origin of the confession of guilt,” Bonhoeffer writes, “is the form of Christ and not our individual transgressions” (DBWE 6:136). Merely seeing it as a way to deal with individual transgressions would place guilt primarily within an inevitable moral circuit of self-justification. “When one still calculates and weighs things, an unfruitful self-righteous morality takes the place of confessing guilt face-to-face with the figure of Christ” (DBWE 6:136). You therefore cannot deal with guilt by merely seeking out the sinner, and pointing a finger at another’s transgression; “there is no search here for the actual guilty person” (DBWE 6:136). Seeking to pass such moral judgment misplaces responsibility for the human condition. Guilty individuals or parties, “chief sinners,” are not sought out but rather acknowledgement and forgiveness of the church’s own guilt (DBWE 6:136).

That is not to overlook the individuals’ “personal sin ... as a source of poison for the community” (DBWE 6:136). However, Bonhoeffer understands “the essence of a genuine admission of guilt” as an act “which no longer calculates and argues, but which acknowledges my sin as the origin of all sin, as, in the words of the Bible, the sin of Adam” (DBWE 6:137). Bonhoeffer understands the doctrine of original sin to include both personal culpability and the universality of sin. According to Harasta, “he acknowledges the ‘reality’ of sin behind individual acts, but at the same time, he emphasizes that within the reality of reconciliation sin retains only a very tenuous hold on being” (2016:72). De Gruchy states that: “The confession of guilt, not simply the confession of sin, was for Bonhoeffer not only the essential prerequisite of healing and reconciliation but the essence of the church’s existence and witness” (1984:84).<sup>380</sup> “Acknowledgement of guilt” is the “only way to turn back” to “one’s own true nature” (DBWE 6:135, 134).

There is thus a distinction between how the church deals with this guilt as opposed to the world (“the West”, “the nations” [Völker]). “The church is today the community of people who, gripped by the power Christ’s grace, acknowledge, confess, and take upon themselves not only their personal sins, but also the Western world’s falling away from Jesus Christ as guilt towards

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<sup>380</sup> Cf. De Gruchy, J.W. 1993. Guilt, Amnesty and National Reconstruction: Der Schuldfrage and the South African Debate, in *Journal for Theology in Southern Africa*, 83, June:3-13

Christ” (DBWE 6:134). “The church and the individual, convicted in their guilt, are justified by the one who takes on and forgives all human guilt, namely, Jesus Christ” (DBWE 6:142). Becoming guilty only happens by already receiving God’s judgment on the church. Understanding or coming to terms with this guilt therefore cannot be separated from ‘dealing’ with it, from telling it, from confessing it. The act of our justification leads into what this confession of guilt means; what it means for relationship with Christ, church and world. Justification has implications for justice, according to Bonhoeffer. This is what he means by becoming responsible. He writes in *Ethics*, “responsibility is bound by conscience, but conscience is set free by responsibility. It has now become evident that these two statements are saying the same thing: those who act responsibly become guilty without sin; and those whose conscience is free [in Christ] can bear responsibility” (DBWE 6:282). Accepting God’s judgment is therefore to take responsibility to struggle against evil. Accepting guilt therefore has political and historical implications.<sup>381</sup>

Bonhoeffer’s understanding of responsibility is expressed concisely when he writes, “I *simultaneously* represent Christ before human beings and represent human beings before Christ” (DBWE 6:176). He continues to state in *Ethics*,

Those who in acting responsibly take on guilt – which is inescapable for any responsible person – place this guilt on themselves, not on someone else; they stand up for it and take responsibility for it. They do so not out of a sacrilegious and reckless belief in their own power, but in the knowledge of being forced into this freedom and of their dependence on grace in its exercise. Those who act out of free responsibility are justified before others by dire necessity [Not]; before themselves they are acquitted by their conscience, but before God they hope only for grace (DBWE 6:282,283).

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<sup>381</sup> Christine Schliesser has made a valuable contribution in her thorough study of Bonhoeffer’s concept of *accepting guilt* in her dissertation titled *Everyone who acts responsibly becomes guilty* (2009). All of Bonhoeffer’s writings are analyzed to reconstruct this concept of “accepting guilt”, also drawing from where he does not explicitly use the phrase by reading his work through this lens (2009:1). Only in *Ethics* does Bonhoeffer use the term “acceptance of guilt”, but Schliesser traces earlier occurrences of the concept, albeit expressed in different terminology. Despite the fact that Bonhoeffer does not formulate a “detailed, thorough, or conclusive presentation and analysis of the concept,” Schliesser does a thorough reading of his work to reconstruct the term by “transcending Bonhoeffer’s own explicit deliberation, yet not without remaining firmly grounded in his work” (2009:158,159) (Cf. McBride, 2012:13). Schliesser’s reconstruction of the concept is therefore welcome, as an issue left largely untreated in Bonhoeffer scholarship up to then (2009:1).

The church as a community of confessors is defined and formed by Christ to accept this judgment by making their confession. Acknowledgement of guilt and sin takes place within the church, “the place of personal and corporate rebirth and renewal”. Bonhoeffer states this categorically; to say the church is the place of confessing guilt is “tautological” (DBWE 6:135).<sup>382</sup> This makes the church, the church. The social dimension of truth-telling is therefore expressed by his focus on the church as the confessing community. The church acknowledges that confession is essential, “not something that one can take or leave; it is the form of Jesus Christ breaking through in the church. ... Whoever stifles or spoils the church’s confession of guilt is hopelessly guilty before Christ” (DBWE 6:142). The church embraces Christ through *Stellvertretung*, “vicarious representative action”. Bonhoeffer uses it to describe sharing in the cross of Christ and each other’s guilt. In *Sanctorum Communio* being-for-each-other provides the basis for elaborating confession of guilt as the “renunciation of one’s innocence by incurring guilt for the sake of the other” (Schliesser, 2009:159).<sup>383</sup>

Bonhoeffer’s reflections in *Life Together* also emphasize the importance of truth-telling before one another. “Confession before one another is given to us by God so that we may be assured of divine forgiveness. But it is precisely for the sake of this assurance that confession is about concrete sins ... Examining myself on the basis of all Ten Commandments will therefore be the right preparation for confession” (DBWE 5:113).<sup>384</sup> He believed that such a confession before one another allows for deliverance from being imprisoned, from self-deception, self-justification and self-forgiveness.<sup>385</sup> In *Ethics*, Bonhoeffer writes that “Shame can be overcome only by being put to shame through the forgiveness of sin.... This takes place in confession before God and before another human being” (DBWE 6:306).<sup>386</sup>

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<sup>382</sup> In Bonhoeffer’s doctoral dissertation, *Sanctorum Communio*, this understanding of the embodiment of Christ in the church is central.

<sup>383</sup> Cf. Greggs (2016), *Bearing Sin in the Church: The Ecclesial Hamartiology of Bonhoeffer*.

<sup>384</sup> Bonhoeffer, as a member of the conspiracy against Hitler, offers what seems to be a confession for the church, using the Ten Commandments (Cf. DBWE 6:138 – 141). Bonhoeffer’s view of the church and its reconstruction after the war ended was also centred on guilt, repentance, and personal confession, on forgiveness and renewal. He drafts this message in an “Unfinished Draft of a Pulpit Pronouncement following the Coup” in DBWE 16:572-74.

<sup>385</sup> Cf. Wilkes (2015), *Private Confession of Sin in the Theology of Dietrich Bonhoeffer*.

<sup>386</sup> Cf. Tietz (2007), *The Mysteries of Knowledge, Sin, and Shame*.



In a section on Confession and the Lord's Supper in *Life Together*, Bonhoeffer writes about the breakthroughs that occur in public confession. Firstly, the value of honesty and vulnerability that can lead to Community; *a breakthrough to community*: "Those who remain alone with their evil are left utterly alone.... We can admit our sins and in this fact find community for the first time" (DBWE 5:108, 110). Secondly, confession is an invitation to the cross; *a breakthrough to the cross*: "we cannot find the cross of Jesus if we are afraid of going to the place where Jesus can be found, to the public death of the sinner" (DBWE 5:111). Thirdly, the confession of *actual, specific, concrete* sins is necessary for the healing judgment of the cross to be unleashed; *a breakthrough to new life*. Lastly, *a breakthrough to assurance*, that is, of God's divine forgiveness (DBWE 5:113).

Bonhoeffer understood that the importance of forgiveness, and the church as a forgiving community that takes up responsibility with the guilty:

Finally, one should know as a true theologian that, even where our knowledge of the gospel of Jesus Christ in its truth and purity keeps us away from false doctrines, we stand beside our brethren who have wandered and been misled, sharing their guilt, interceding and praying for them, knowing that our own life depends, not on our better knowledge or being on the right side, but on forgiveness (DBWE 12:435).

The church lives out its hope by offering "non-religious" public witness. McBride understands this public witness to be embodied and enacted in speech, where a confession of sin is not merely a formal statement, "like an apology issued by a denomination confessing its racist past," but, "more broadly a pattern of speaking characterized by humble acknowledgement of complicity in specific sin and injustice and of the church's inherent interconnectedness in the sin of broader society" (2012:17).

Repentance, along with other concepts, is part of what Bonhoeffer understands needs to be interpreted in a "nonreligious" way; that is, christologically. Simple definitions of terms such as repentance can miss the multifaceted ways in which Bonhoeffer uses them. McBride argues that repentance, translated from the Greek *metanoia*, can include reference to "transformation" and "change of mind", and should be open to expansive understandings that serve the social and political significance of the term repentance (2012:14). It carries the idea of living in solidarity with the world, and of connecting Christ, the world, and the church.<sup>387</sup> Elsewhere

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<sup>387</sup> McBride recalls here Bonhoeffer's reference to *metanoia* in *Letters and Papers from Prison* (DBWE 8:486).

Bonhoeffer writes, “That is *metanoia*: not thinking first of one’s own needs, questions, sins, and fears, but allowing oneself to be pulled into walking the path that Jesus walks, into the messianic event...” (DBWE 8:480). Historically, the Protestant Reformation was catalyzed by such a *metanoia* in the person of the repentant Luther (McBride, 2012:59). Protestantism is still responding to its implications.

## Conclusion

How and why confession can be understood as a paradigmatic form of Christian truth-telling has been demonstrated through Bonhoeffer’s writings and witness. Confession is shown to be the *form* that the church takes in witnessing to truth, as McBride demonstrates.<sup>388</sup> This act is central to Bonhoeffer’s theology and witness, captured by his explanation of “cheap grace” in Discipleship: “Cheap grace is preaching forgiveness without repentance; it is baptism without the discipline of community; it is the Lord’s supper without confession of sin; it is absolution without personal confession. Cheap grace is grace without discipleship. Grace without the cross, grace without the living, incarnate Jesus Christ” (DBWE 4:44). De Gruchy captures this focus on the cross, and its implications for Christian witness: “Indeed, is it not true that when we truly journey to the foot of the cross then we do begin to see things from below, from the perspective of all who suffer? For it is precisely at the cross that we should be moved to

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<sup>388</sup> Stanley Hauerwas, and his theology of public witness focused on the visible church, is a primary conversation partner for McBride. She offers two interrelated corrections that she believes is needed if his theology on witness is to challenge Protestant Churches in the United States. She draws on Hauerwas’s work on Bonhoeffer in *Performing the Faith: Bonhoeffer and the Practice of Non-Violence* (2004). The first is to ground his definition of witness as “obedient peaceableness” in public activities characterized by confession and repentance, rather than merely the church’s forgiven sin (McBride, 2012:220). The second she challenges is what has led to criticisms of sectarianism aimed at Hauerwas’s understanding of the “functional antagonism” between the church and the world and the way they are at odds with each other. McBride argues that the understanding of solidarity in Bonhoeffer’s ecclesiology “reveals the permeability between the church and the world that allows and necessitates shared public activity” (2012:221). The church is distinct, for Bonhoeffer, in its “language and activity of confession unto repentance,” but stands in this solidarity with the world through its understanding of shared sin and redemption (2012:221). Hauerwas understands the church’s primary truthful witness to be its embodiment of “peaceableness”; that truthfulness is constituted by lives lived truthfully in accordance with that peace. Bonhoeffer, in contrast, refers to “ultimate honesty,” as the confession of sin unto repentance, according to McBride (2012:221). She points out that they share a desire for the “recovery of the political significance of a visible church,” but that Hauerwas misreads Bonhoeffer’s ecclesiology of a visible church and making God visible. Hauerwas writes, “Bonhoeffer clearly saw that the holiness of the church is necessary for the redemption of the world” (Hauerwas, 2004:44). Rather, McBride reads this visibility as the church’s “willingness to enter directly into the world’s suffering, confess sin, and repent by accepting responsibility for injustice” (2012:221). She writes: “Bonhoeffer’s Christology compels the church to acknowledge that if this is what God does – if *God* takes responsibility for sin, suffering, and injustice – then the church, as the body of Christ, must do the same” (2012:58). Cf. Baan, A. 2014. *The Necessity of Witness: Stanley Hauerwas’s Contribution to Systematic Theology*. Unpublished dissertation. Groningen: Protestantse Theologische Universiteit.

repentance –a change of heart and mind – and are born anew by the Spirit so that we can see things quite differently” (De Gruchy, 2000:6).

## 5.5. Conclusion

True to Bonhoeffer’s own emphasis on the importance of being contextual, a faithful reading of Bonhoeffer in South Africa should not only acknowledge the legacy of his reception, but also do so from a position that aims at being self-aware and at avoiding anachronism or prejudice; “we read and interpret Bonhoeffer with others, and in response and responsibility to others; perhaps even also against ourselves” (Vosloo, 2013:138). Understanding Bonhoeffer’s influence on leading voices in the South African theological landscape has demonstrated the weight of his impact, and thereby confirmed some of his insights into truth-telling. His impact on those Christians seeking to understand their role in the struggle against apartheid has been regarded as more influential than any other European theologian, according to Meiring (Meiring, 2007:150). This bold observation is defensible in the case of several pioneering theologians in the church struggle in South Africa.

In 1999, the Dietrich Bonhoeffer-Prize was awarded by the Gütersloh Publishing House to the South African Truth and Reconciliation Commission, stating in the award document that “the Commission has courageously and energetically supported the process of finding out the truth and made forgiveness possible” (Meiring, 2017:19).<sup>389</sup> This attests to the many recognitions of the influence of Bonhoeffer’s legacy in South Africa. De Gruchy states that “Those familiar with the earlier process that led to the TRC will know that Bonhoeffer’s influence was not unimportant in preparing the ground for this historic, promising, and yet controversial development” (De Gruchy, 2013:18). However, little evidence supports the idea that Bonhoeffer scholarship was invoked for any Christian action in the actual practices and functioning of the TRC. Reflections on the work of the TRC have not turned explicitly to the theology of Bonhoeffer in providing conceptual clarity on truth-telling (or its strong mandates of justice and reconciliation).

Meiring, writing in 2007, highlights principles which he understands are adequate answers to how Bonhoeffer is of use in South Africa, after apartheid. Firstly, the need to continue confessing Christ, witnessing *against* falsehoods, letting “Christ be Christ” through costly

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<sup>389</sup> The Evangelical Church in Germany reported on the event in their bulletin, which can be accessed online: <https://archiv.ekd.de/english/1697-2699.html>

discipleship. Secondly, putting this faith into concrete action, by “putting a spoke in the wheel” of the state, as the church (Bonhoeffer’s phrase from his *Essay on the Jewish Question*, DBWE 12). Thirdly, the issue of language of *responsibility*, and the emphasis on solidarity with those that suffer; Bonhoeffer’s identification with the struggle of black African Americans and with the Jewish community under Nazi rule. Meiring continues to speak about the need for acknowledgement of guilt, and references Bonhoeffer’s emphasis on this in *Sanctorum Communio* and *Ethics*. He recalls the work of the TRC and the Faith Communities Hearings that provided space for such confession, while acknowledging that “This does not mean that the process is finished. Far from it! ... Bonhoeffer’s challenge to the churches to continue with the process of confession, to lead their members to reach out to one another – asking for and granting forgiveness – is as relevant as ever (Meiring, 2007:162). The last principle that Meiring chooses to highlight is that of being “the church for others”; a commitment to Christ and to the world - to those that stand outside of privilege, however defined.

The question of Bonhoeffer’s understanding of truth-telling will need to continue this contextual conversation. Vosloo argues that Bonhoeffer interpretation of the past can still teach us important lessons, but must not stop short of a “fresh engagement with Bonhoeffer’s life and thought” (2013:141). The words of Harvey Cox in 1965, quoted by De Gruchy, still resonate with the ongoing interpretation of Bonhoeffer:

But we are in no sense finished with Bonhoeffer. Nor do I believe we can move ‘beyond’ him until we begin to be the kind of Church he knew we must be, a Church which lives on the border of unbelief, which speaks with pointed specificity to its age, which shapes its message and mission not for its own comfort but for the health and renewal of the world (De Gruchy, 1975:26).

De Gruchy concludes his contribution on the reception of Bonhoeffer in South Africa by highlighting Bonhoeffer’s prison writings, pertinent for those wishing to participate in the shaping of a secular state and society. These help to reflect on “religionless Christianity” and its exchange with truth commissions and transitional justice measures that seek to serve peace and justice. As Vosloo also writes, “The sustainability of Bonhoeffer’s legacy in South Africa does require that we at times interrupt – and perhaps even disrupt – the conversation about Bonhoeffer’s relevance with questions regarding a responsible hermeneutic as we ask with and beyond Bonhoeffer the question: Who is Jesus Christ actually for us in South Africa today?” (Vosloo, 2013:142). Moreover, Botman’s point is well taken that churches’ usefulness will

necessarily be grounded in a hermeneutic of suspicion inherited from South Africa's struggle as we ask "Will our inward power of resistance be strong enough, and our honesty with ourselves remorseless enough, for us to find our way back to simplicity and straightforwardness?" (1997:371,372).

## Chapter Six: Contours of a Theological Hermeneutic of Truth-Telling

*Fiat veritas, et pereat mundus* <sup>390</sup>

(Arendt, 2005:296)

*Will a commission be sensitive to the word truth? If its interest in truth is linked only to amnesty and commendation, then it will have chosen not truth, but justice. If it sees truth as the widest possible compilation of people's perceptions, stories, myths and experiences, it will have chosen to restore memory and foster new humanity, and perhaps that is justice in its deepest sense*

(Krog, 1999:21)

### 6.1.Introduction

This study has presented theological arguments for the value of truth-telling *for justice*. These words by Krog return us not only to the mandate of justice in the TRC, but to justice as a gospel imperative. The contours of this study's analysis of truth and justice, indexed by the phrases ascribing truth, constituting truthfulness, and embodying truth-telling, have been drawn as a defense of *restorative* justice by arguing for truth-telling that holds the tension between metaphysical truth and ethical truthfulness through embodiment.

This chapter will conclude the analyses presented in this study by summarizing and drawing together some of the contours of truth, truthfulness and truth-telling in the previous chapters. It returns to the additional questions of this study – how truth and truthfulness have been enacted in transitional justice (6.2), and in Reformed public theologies (6.3), in South Africa – before addressing the question: how has a focus on truth-telling contributed to better understanding how truth and truthfulness function in transitional justice (6.4)? This chapter lastly addresses the future research possibilities for the Dutch Reformed Church in light of the findings and methodology of this study (6.5).

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<sup>390</sup> The Latin phrase, *Fiat veritas, et pereat mundus* (Let truth be done though the world may perish), is used by the German-American philosopher and political theorist, Hannah Arendt, in her essay *Truth and Politics* to invite truth as an imperative for politics. She replaces “iustitia” (justice) with *truth* in the original phrase popularized by Immanuel Kant (Arendt, 2005). In this essay Arendt explains how the distortion of truth as both factual truth (measured by testimonies about non-repeatable events) and as rational truth (measurable by repeatable procedures) (a distinction that she makes “for the sake of convenience”) can injure politics, particularly through “organized lying” (Arendt, 2005:296). This chapter also demonstrates the imperative of truth, albeit theologically as an embodiment.

## 6.2. Truth and truthfulness in transitional justice in South Africa

By asking *how truth and truthfulness have been enacted in transitional justice in South Africa*, both historical-descriptive and conceptual-critical perspectives have explored some of the major contours in *ascribing truth*, *constituting truthfulness*, and *embodying truth-telling* for justice in the work of the South African Truth and Reconciliation Commission. The TRC and its grammar of truth and justice have been shown to be important for a range of reasons. This study introduced the TRC through its foundation in transitional justice and the theoretical contours for truth and truthfulness taken up in the commission's mandate and in its enactment. It explored how the *mandate* of a commission determines and defines the various aspects that constitute truth and truthfulness, including how it defined the wrongdoing under investigation, and its primary designation of victims and perpetrators.

To summarize, the mandate followed a 'narrow' definition of human rights violations, and thereby also a limited mandate, which reflects a moral and political choice for truth and justice in relation to *individual* victims and perpetrators, rather than social and systemic justice. This demonstrates that the conceptualization of truth, reconciliation, and justice implies a moral choice with political and social implications. This study has demonstrated how the tension between the political, social and legal demands of justice and reconciliation were centered on the TRC's contentious and influential amnesty provisions. It recognized the tension in a commission set up as an instrument of authoritative, objective truth, grappling with epistemological limits, while also facing ethical risks. This mandate and the intentions of the TRC came to be *constituted as truthfulness* through its many choices in setting up the Commission, deciding on its day to day functioning and in terms of writing up its findings. Its process of documentation, with which we are left, added to an emphasis on describing particular events or experiences that could be located in time and place, thereby emphasizing the factual component to the truth that was told. The truthfulness of the qualitative or systemic components of injustices suffered was thus left largely under-emphasized. The restorative justice sought, was incomplete. These could be seen as necessary limitations, and not as failures of the TRC *per se*. The reception of its findings by both state and civil society also left its own legacy of the truth about the effect of South Africa's past on present day challenges for reconciliation and justice.



Through contouring the uses of truth in the TRC, and the various regimes of truth in Foucault, the complexity of the relationship between truth-telling and justice has been demonstrated. While Foucault's philosophy of truth-telling certainly is not one that seeks to provide a theory of truth as such, it has aided this demonstration. Foucault's work presents a critical history of truth regimes, particularly the truth of *avowal*, and the effects and constraints that it has *on the subject*. For Foucault, truth-telling thus becomes an embodied event with its own spatiotemporal foundations; its own geography. This analysis has shown the value of reading the TRC *as an event*, with performances of *embodied truth-telling* that invite further reflection on continuing practices of truth-telling for justice.

The practice of confession, Foucault demonstrates, offers ethical possibilities for individuals to navigate knowledge and power. The avowal discussed by Foucault contributes to the emergence of a responsible society and the individual responsibility taken by those not classified necessarily as victims or perpetrators, by inviting the idea of the confession of socio-cultural and political identities for those committed to justice and reconciliation. Foucauldian avowal, however, examines a politics of expression, and does not engage a Christianity with inner depth or a theology of faith. These historical particularities of possible practices of confession were thus deepened in the following section on Reformed theologies within the South African context.

### 6.3. Truth and truthfulness in Reformed public theologies in South Africa

This question contextualized the research focus by presenting past engagements of public theology broadly, and Reformed theology narrowly, with the demands of truth-telling for an ethics of justice in South Africa. It has been shown that *ascribing truth* is done by attributing the truth of God to revelation in scripture and in the formulation of confessions, creeds and documents, as this has been *the* Reformed way of dealing with plurality, even ambiguity, in the truth claims and religious symbols of Christianity. De Gruchy writes: "...some of the problems of understanding encountered in the TRC process derived from differences of interpretation within the Christian community, and from a lack of understanding of the history of Christian doctrine by Christians and others alike" (De Gruchy, 2002:57). Importantly, a distinction between theories of justification of truthfulness (what is just or moral), and theories of what theological truth claims to substantiate these theories (doctrines of soteriology, anthropology or ecclesiology, for example), helps with this understanding. The contours

described in the South African context have tried to map some of these differences. To recall, these differences have been categorized differently with descriptors such as *state (apartheid) theology*, *church theology*, and *liberation theology*. Different contours of ascribing truth naturally exist not only in Reformed theologies, but in different public theologies.

Theological reflection on truth in the time of the TRC offered further theological contours for truth, especially in relation to guilt, confession, and forgiveness. The reflection by Smit helped to frame confession as acknowledgement; an attempt to “no longer suppress or deny your deepest nature, but to acknowledge the rightness of God’s judgment on you, to see yourself and your past as God and as your neighbors see and remember you and your past” (2007g:310). Smit repeats Barth’s insight that Christian confession of guilt is “*an exercise in name-giving*”. “Confession, to Christians, means ... calling ourselves by the names God and others call us” (Smit, 2007c:313). Smit shows how striving towards reconciliation explicitly involves confessing of guilt, not merely before God, but to one another. Truth-telling as confession was thus also demonstrated as a theological embodiment of reconciliation and justice.

Engagement with the discussion on *reconciliation* and *justice* has been shown to require some degree of definition set in historical context, which acknowledges the diversity of interpretations, also within Christian discourse. The public discourse on justice and reconciliation has presented challenges for truthfulness in Reformed public theologies by uses of the phrase ‘post-apartheid’ (raising the question of what exactly the ‘struggle’ consisted of, and if the end of legislated apartheid did in fact bring an end to this struggle); different imaginative constructs of the theological landscape and proposals at the time of the political transition to democracy (such as nation-building, promoting peace, working for “true justice”, poverty, the need to be credible); the theological formulation of justice as more than mere morality. A historical-descriptive approach was taken to look at truth-telling as confession in the South African landscape, before turning to a deeper conceptual understanding in Bonhoeffer.

Dietrich Bonhoeffer’s theological ethics, a prominent conversation partner in the formation of public theologies in South Africa, were used to reflect on the challenges of truth-telling that present themselves after apartheid. The Christological interpretation of ethics runs as a golden thread through Bonhoeffer’s work, and is essential for understanding his contributions to truth-telling. He had an urgency to know how we can act in accord with Christ-reality. This Christ-

reality [*Christuswirklichkeit*] is Bonhoeffer's fundamental ontological model within *Ethics*. He provides his own account of responsible action, as that which accords with reality and is structured by God's mandates. His understanding of what makes speech true offers alternatives to both absolutist ethical principles and situation ethics.

Bonhoeffer's contribution in his essay, *What does it mean to tell the truth*, explores the theological dimensions of truthful speech. It was shown that his treatise argues beyond a factual dealing with truth, underlining the importance of context and how our words and actions accord with reality truthfully; the reality of God and the world as seen in Jesus Christ. Constituting truth-telling then becomes an articulation of God's concrete, incarnate Word as an epistemological statement shaped by the present demands of our situation and our place within it. Bonhoeffer's hermeneutical question of what it means to tell the truth does not take the position that the truth that needs to be told is something obvious or clear, and that all that is required is the moral courage to speak it. He rather poses that it is something that needs to be discerned or learned. Truth-telling as responsible ethical embodiment is contextual and relational faith; who we are, what our voice and identity represent, and how that affects our truth-telling must be learned. For Bonhoeffer, learning this is to learn how to keep the mystery of God alive, by not revealing certain truths of yourself, cynically. The cynic is the one who "violates shame, desecrates the mystery, breaks trust, betrays the community in which he lives..." (DBWE 16:604). This is tied to his understanding of the church and the formation of community, so that confession of guilt is not just an individual exercise in recalling illicit actions, but confession is shown to be the *form* that the church takes in witnessing to truth.

#### 6.4. Truth-telling as a function of truth and truthfulness in transitional justice

*...truth itself is rarely, if ever, the ultimate aim of truth-telling. Rather, truth-telling in a truth commission is a process that acknowledges past injustices, recognizes the indignity suffered by victims, and brings together members of a society around a shared story, memory or narrative about the past*

(Shore, 2009:79)

A major contour that this study on truth-claims has worked with is that of conceptual clarity on how 'truth' functioned. This study has demonstrated the TRC's mapping out of truth, in

theory and practice. Both the methods of truth and the methodologies of truthfulness were multifaceted in the enactment of the TRC. This included the theories *and* practices undergirding (amongst others) its legislation, its mandate of justice and reconciliation, its amnesty-for-truth provision – but also what effects these methods and methodologies had. The conceptual use of the notion of truth in the TRC was also linked to reconciliation and justice; inseparable concepts in both transitional justice and theology in how they function as part of overcoming division after injustice. Despite how widespread the historical enactments of truth and truthfulness have been shown to be, the conceptual parameters in the TRC but also in this study have thus been defined by the notions of *justice and reconciliation*. Truth and truthfulness have functioned inseparably from the ideals of justice and reconciliation; coordinates on the maps of both transitional justice and theology. A third concept has therefore helped to better *describe* what it means to tell the truth for justice and reconciliation: truth-telling.

As my initial research of the use of truth in the TRC progressed, the concept of truth-telling emerged as an apt description for the *embodiment* of truth and truthfulness and is therefore not a stand-alone concept. Truth-telling is unavoidable for both theological witnessing and for transitional justice practices. It is not a question as to whether the truth should be told, but when and how and by whom it should be told, and therefore, for what purpose. Truth-telling therefore stresses the embodied nature of what it means to tell the truth for justice. All forms of truth-telling assume a strategy, but it also assumes a moral (theological) and political (transitional justice) impetus. I therefore continued to contour (systematize) the uses and practices related to the concepts of truth, truthfulness and truth-telling in the TRC, Foucault, Reformed public theologies in South Africa, and Bonhoeffer. Whether this methodology of a threefold division managed to avoid reductionist over-systematization can be questioned by the reader. Before returning to the findings of how truth-telling, particularly *as confession*, has contributed to better understanding how truth and truthfulness function in transitional justice, the fruits of the threefold division made to arrive at truth-telling can be accounted for.

Combining the verbs of *ascribing* and *constituting* to the nouns *truth* and *truthfulness* have been beneficial. Firstly, it helped to emphasize the difference between linking the *use of the language of truth* to either a metaphysical understanding of what is real, or to an ethical understanding of how truth is justified. Secondly, it has also helped to describe the *methodology* of arriving at these two foci. It has therefore been a *descriptive* attempt of these two concepts

within the context of transitional justice in South Africa. It did not attempt to prove philosophical theses on truth and truthfulness. It tried to describe how truth functioned, and functions, in the hermeneutical process of telling the truth for justice. It has tried ambitiously to address a specific context – transitional justice in South Africa. Inherent to this methodology is the danger of attempting to construct a universal theological hermeneutic of truth-telling for all contexts and all times. The emphasis of these contours of truth-telling have thus been related broadly to restorative justice and reconciliation in the context of transitional justice. Conceptually, historically, socially, and theologically, this terrain remains extremely expansive. A focus on *truth-telling as the practice of confession* therefore provided some more parameters for this. By elaborating briefly on the practice of confession, the reasons why it is a quintessential form of avowing truth and embodying justice become clearer.

My premise is that to *embody truth-telling* is to manifest a form of truth-telling through an ethical choice. It is an act, the verb ἀληθεύω, ‘to truth’. This act is an act that is morally accountable, that makes an ethical choice for how you believe. Embodiment or *to embody* is thus deeply connected to how justice is understood. Its place of importance has been shown not only in the TRC hearings and mandate of justice and reconciliation, but also in the writings on the function of avowal in justice by Foucault, and the form of Christian public witness in Bonhoeffer. Both Foucault and Bonhoeffer’s understanding of what it means to avow truth have contributed to knowledge of the avowing subject and their relationship to those whom they express their truth. These insights have not been critiqued as used by either Foucault or Bonhoeffer. However, both Foucault and Bonhoeffer have helped to understand that truth-telling invites the moral accountability of the truth-teller. To confess is to adhere to an obligation to truth - not only to discover the truth about yourself, but to make it manifest to others by means of a ritual, process, or procedure of truth-telling. To avow truth is thus to embody it, thereby foregoing any attempts at formulating a timeless and fixed notion of ‘truth’. Such forms of avowal or confession (both private and public, individual and collective) can become attempts *to speak the truth* as demanded by the mandates of a truth commission, even though this has not been the case in South Africa’s TRC throughout. The confession of wrongdoing can offer benefits of moral recognition and reparation to the victim, but also significant moral reform and self-acknowledgment to the perpetrator - and also to bystanders, beneficiaries and implicated subjects. Confession can restore justice as shared humanity by giving recognition to shared fallibility and the capacity for compassion.

To recall Bonhoeffer, the liar is the one destroying relationships by being cynical, unwilling to be formed by faith that is more than just intuition or reason, and unwilling to become guilty by taking responsibility. “‘Lies’ are the destruction of and the enmity against the real as it is in God; whoever tells the truth cynically is lying” (DBWE 8:223). We are reminded that Bonhoeffer’s hermeneutical question of what it means to tell the truth does not take the position that the truth that needs to be told is something obvious or clear, and that all that is required is the moral courage to speak it. Rather, one learns to confess truth, and for this the collective, public community of the church is necessary.

In the church community one belongs to others and to God, and in this belonging truth-telling can become an accountable and even vicarious act; a “cultic, liturgical, official, public and collective” form of confession and contrition highlights its “vicarious dimension” (Smit, 2007c:319). As Bonhoeffer states, “Confession of sin is founded on the reality of the vicarious representative action of Christ” (DBWE 11:328). This public, social dimension of truth-telling as confession is expressed in the biblical injunction to reconcile with one another. It thus connects an embodied truth-telling as confession to the demands of justice and reconciliation. As Bonhoeffer invites us: “We must once more learn to see and believe properly in the church-community and the church. We do not believe that the truth is spoken in the church. We must learn again what confession of sin is” (DBWE 11:328). Indeed, “The contamination of the crime is corporate. The act of reconciliation by the perpetrator has the same character” (Botman, 1999:121). Can the moral, political and metaphysical guilt that applies collectively to all white people who benefited from apartheid, and those who continue to reap benefits (Swart, 2017:157), thus be invited into the church through confession?

This study has emphasized the importance of the subjective embodiment of truth – not as way to relativize or to defend truth claims over against others’ truth claims, but as a practice of recognition of others’ embodiment and their human dignity.<sup>391</sup> Practicing embodied truth-telling can be an exercise in unsettling empathy, that invites one to hear other’s stories, and to

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<sup>391</sup> In a recent study on ‘ordinary virtues’, Michael Ignatieff argues for liberal freedom with its own epistemology: “the belief that public truth is found in competitive debate. With that epistemology comes a moral corollary: that no citizen has a monopoly on truth and that the very purpose of politics is to shelter and protect the conditions of free debate. With this comes a further corollary: that in the community of free citizens there are no enemies, only adversaries, and that opposition is a precondition for any successful search for collective truth” (Ignatieff, 2017: 191).

learn to allow for relational engagement born from confessional self-reflection. The subjective embodiment of truth asks that Christians take their own embodiment seriously, as Jesus did his:

In each Gospel ... the trial brings to light not so much a set of facts about Jesus but the truth of his *identity* – as the one who is entitled to say ‘I am’; as the embodiment of God’s Wisdom; as the center of a moral world at odds with the world with which we are familiar; as the place where truth is. ... However much we know about Jesus, the verdict on who he is can only be delivered if we are willing to move, willing to be on trial both with him and before him. We cannot properly say who he is unless we have stood before his tribunal and discovered from him something of who we are (Williams, 2000:92,93)

These observations give rise to further questions that could be explored. How might faith practices that contemplate on belonging to truth, allow for self-emptying and deeper avowal? Moreover, what can the confession of guilt thus mean for those who discover that their identity holds social or political power? Can it help them to engage in processes of dispossession of power in a way that serves others? Can the self-reflective act of confession escape the manifestations of ‘post-truth’ discourse: fundamentalist truth claims, or disillusioned cynicism? Could it suggest a *responsibility* that lay before Christians when others in society are affirming and resisting *their* truth claims?

Considering truth-telling as confession will have to acknowledge not only the “promise” but also the “pitfalls” of the act of apology (Govier & Verwoerd, 2002). Any apology (born from a confession of guilt) that adds moral insult to the original moral injury will indeed hinder the process of reconciliation. This was seen in the case of former president F.W. De Klerk, whose apology did not communicate sincerity or acknowledgement for the need for restoration and reparation following apartheid. Therefore, confession cannot be cheap; it has real consequences, asks for actual sacrifice, and is more than cheap truth-talk. The subject that comes to apologize cannot stop at mere acknowledgement of wrongdoing but must engage in deep recognition of their own identity in relation to those wronged. Apology also becomes



counter-productive for reconciliation and justice if it puts moral pressure on victims to forgive, and must therefore be offered in freedom.<sup>392</sup>

Confession of guilt is thus not a way of reclaiming power; it is surrendering or emptying your power to speak truth. It is a paradoxical submission into a Christological narrative that is much truer than an individual, single story. For Christians, this involves an embodied confession that Jesus is Lord, which takes shape in the act of confession of sin as a process of reconciliation that restores justice. As De Gruchy observes regarding the demands of truth: “If the truth does not call forth remorse and humility on the part of beneficiaries and bystanders, together with a willingness to work for the common good, it will not achieve its goal. The truth liberates and sets free, the truth heals and restores, but only when the truth is lived and done” (De Gruchy, 2002:164).

This is echoed in a bold reflection on the proposed task of the TRC, *On Hearing and Lamenting: Faith and Truth Telling*, by Denise Ackermann, the “feminist theologian of praxis” (Le Bruyns, Pillay, Nadar, 2009). She speaks specifically about the role of faith and truth-telling for white South Africans. Her proposal reminds one of the embodied nature of confession. She suggests “...that repentant whites need to cry out to God for deliverance from our murky past and for healing from the wounds that oppressors inflict on themselves. Thus, the particular suffering born out of the awareness of our role in the history of our country should also be lamented” (Ackermann, 1996:52). She stresses that the vision of reconciliation is not possible without repentance. This lament is an appeal for both victims and to the perpetrators of suffering to engage in “public acts of mourning,” which she believes will enable “true reconciliation and healing” to take place.<sup>393</sup> Ackermann furthermore expresses the belief that truth-telling as confession supports the mandates of reconciliation within transitional space: “To lament psychologically, culturally, socially and as people of faith because of shame, guilt,

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<sup>392</sup> Cf. Vosloo who highlights Ricoeur’s insight that there can be a “disproportion between the word of admission and the word of forgiveness” and that it is the reciprocity between confession of guilt and forgiveness that contributes to a responsible ethos of reconciliation in the public and private sphere (Vosloo, 2015:372).

<sup>393</sup> For a reflection on lament see Claassens, L.J.M. The Image of the Wailing Woman and the Task of the Feminist Theologian – With Special Attention to the Role of Lament in the Book of Matthew, in C. Le Bruyns., M. Pillay., S. Nadar. (eds.). 2009. *Ragbag Theologies: Essays in Honour of Denise Ackermann, A Feminist Theologian of Praxis*. Stellenbosch: Sun Press. Cf. Katongole, E. 2017. *Born from Lament: The Theology and Politics of Hope in Africa*. Grand Rapids: Eerdmans. Katongole focuses on “the practice of lament as the work of hope in its theological and practical dimensions in the context of Africa’s turbulent history” (xiv).

disillusionment and disenchantment, is at the core of the contemporary South Africa. Lament will enable us to break with the past, not to forget it. It will release us into the space of transition between our past and hope for a reconciled future” (Ackermann, 1996:55). Smit comments on this particular contribution and insight of Ackermann by stating, “It may be that the contributions by Denise Ackermann pointing in the direction of *lament* as the only direct way to deal with the experiences of this century – from the Anglo-Boer War to the apartheid years – may be the most helpful of all” (Smit, 2007:336). It is helpful, because it reminds one that truth-telling as this form of faith-filled lamenting requires the creation of creative spaces for vulnerability. For Christians, it requires spaces that allow for the laying bear of ignorance and naivety, especially for those who do not want to be shunned by the moral superiority of liberal justice or retreat into self-preservation and entrenched loyalties.

The final section of this chapter contextualizes the premise of avowing truth and embodying justice by suggesting its implications and future research possibilities for the Dutch Reformed Church.

## 6.5. Future research possibilities for the Dutch Reformed Church

*We cannot just continue as if nothing has happened between us*

(Jonker, 1991:92)

*It is almost unthinkable that anyone urging South Africans to confess their guilt and make reparation today, would fail to recognize the indispensable role of the church in doing so. Despite its divisions and failures, the church is a key instrument in the building of a new civil society*

(De Gruchy, 1993:12)

*In this process of bridge building, those who have benefited and are still benefiting from a range of unearned privileges under apartheid have a crucial role to play. Although this was not part of the Commission’s mandate, it was recognized as a vital dimension of national reconciliation. This means that a great deal of attention must be given to an altered sense of responsibility; namely the duty or obligation of those who have benefited so much (through*

*racially privileged education, unfair access to land, business opportunities and so on) to contribute to the present and future reconstruction of our society*

(TRC Report Vol. 1, 1998:134)

The practice of truth-telling as avowal or confession has emerged in this study as a performance scripted from Christian, legal and therapeutic sources. It has contributed to further considering the place and role of the Dutch Reformed Church in engaging publicly with a historically responsible ethic. How might truth-telling continue in post-TRC, post-1994 South Africa, where the aftermath of apartheid still exists in both structural injustices and in personal transgressions related to issues of human dignity?

The phrase by Willie Jonker cited above was stated as a precursor to his recognized, vicarious confession at the Rustenburg Consultation in 1990. For Jonker, avowing truth and embodying justice meant confessing – but what exactly was the content of his confession?<sup>394</sup> Jonker confessed his “own sin and guilt, and my personal responsibility for the political, social, economic and structural wrongs” (Jonker, 1998:204). He refers to the DRC’s decision to declare apartheid a sin, yet his confession did not specify what exactly these wrongs were. He denounces apartheid as wrong, and claims personal and collective guilt, without recognizing or naming the truth that was ascribed, or how truthfulness was constituted. This study has shown how these particularities matter. It follows that different analyses of what these “wrongs” were, both socially *and theologically*, will lead to different conclusions on what embodied actions of justice and reconciliation would require in terms of truth-telling. This specificity of confession thus speaks to the convictions regarding what the particularly *theological* problem(s) with apartheid were, and what its enduring legacy in a post-1994 and post-TRC South Africa is.

While a full analysis of the social and theological challenges that led to the many wrongs of apartheid and those that continue post-1994 and post-TRC is beyond the scope of this study, further exploration into the theological dimensions of both *race* and *truth-telling as confession*

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<sup>394</sup> Cf. Naudé, P.J. 2003. ‘We cannot just continue as if nothing has happened between us’: Sola Gratia and Restorative Justice. *Scriptura*, (84):402-409. The Reformed public theologian Piet Naudé reminds us: “If theological reflection does not enable restorative justice, such reflection is – in the South African context – interesting, but worthless. If there were ever a test case for sola gratia, this is it” (Naudé, 2003:408).

could thus spell this out in more detail – particularly for the DRC.<sup>395</sup> What follows is a demonstration of why the notion of *human dignity* could be a useful starting point.

This section thus seeks to draw on the specific diagnostic presented in this study – the transitional justice issues in the context of South Africa, and its implications for the DRC today – in light of the theological arguments for the value of truth-telling for justice presented in this study. It addresses the final secondary research question: *how can avowing truth and embodying justice be done by the Dutch Reformed Church?* To recall Bonhoeffer, how might the DRC engage in truth-telling in order to free their conscience in Christ, and bear responsibility for the theological transgressions of unity, reconciliation and justice (Cf. DBWE 6:282)? In keeping with the methodology of this study it presents more contours rather than a conclusion that offers clear solutions to the conundrum of truth and justice or the “unfinished journeys” of apartheid.<sup>396</sup> However, this builds on two very clear coordinates: race as the central theme in South Africa’s history of injustice under investigation by the TRC, and the practice of confession as a paradigmatic form of Christian truth-telling and quintessential form of avowing truth and embodying justice.

This study recalled Russel Botman’s analysis of the search for truth in a post-1994 South Africa in which he observed that it is essentially about understanding the ethical and theological dimensions of *human identity* and the *human dignity* at play in the striving towards justice and reconciliation (Botman, 1999:115). For the Dutch Reformed Church, the issue of *human dignity* has been at the center of their theological agenda in recent years.<sup>397</sup> It could thus be

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<sup>395</sup> Indeed, previous reflections on this issue remain relevant. Piet Meiring, the South African Reformed missiologist, DRC minister, and former committee member of the Truth and Reconciliation Commission, has reflected widely on the DRC’s role after the TRC. Writing in 2003, shortly after the final report had been delivered, Meiring suggests five challenges faced by the DRC post-TRC: conceptual clarification on *reconciliation*; developing a ‘theology of reconciliation’; a continued search for the “truth”; justice tied to reconciliation; and lastly, he mentions the need for DRC members to be guided along the path of confession, forgiveness and reconciliation. He asks, “Can the DRC lead its members along this path – that is often lonely and traumatic – through its preaching and pastoral care? Moreover, can the church help the victims, the wronged, to forgive” (2003: 120)? These continuing challenges remain.

<sup>396</sup> Cf. Gobodo-Madikizela, P. & Van Der Merwe, C. (eds.). 2009. *Memory, Narrative and Forgiveness: Perspectives on the Unfinished Journeys of the Past*. Newcastle: Cambridge Scholars Publishing.

<sup>397</sup> See Season of Human Dignity. [Online]. Available: <https://menswaardigheid.co.za/>. (2019, September 1). See also the section on *Menswaardigheid* and *Seisoen van Menswaardigheid* in the 2013 agenda of the General Synod: Algemene Sinode van die NG Kerk. *Agenda vir die 15de Vergadering van die Algemene Sinode van die Nederduitse Gereformeerde Kerk*. [Online]. Available:

worth tracing the ecclesial and theological developments that led to this focus on *human dignity* within the DRC, and in what way this discourse has engaged with the issue of race. In this regard, the work of Van Wyngaard (2014) is of value for future research. He traces the developments in the use of the notion of *diversity* in the official work of the General Synod of the DRC between 2007 and 2011 – an important antecedent in the official treatment of themes within theological anthropology such as race, gender and sexuality. Future research could trace this shift from *diversity* to *human dignity* in conceptualising these issues. This would include the development of the *Season of Human Dignity*. Since 2013 the *Season of Human Dignity* has been the DRC's primary ecclesial vehicle to continue the discourse of restorative justice, reconciliation and unity, also within the DRC 'family' (This includes the Uniting Reformed Church in Southern Africa, the Dutch Reformed Church in Africa, and the Reformed Church in Africa).<sup>398</sup> It provides some coordinates for how avowing truth and embodying justice has been done by the Dutch Reformed Church, also as attempts at cultivating church unity.<sup>399</sup> Ascribing the truth of human dignity has been a dominant theological marker in academia too.<sup>400</sup>

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[https://www.kerkargief.co.za/doks/acta/AS\\_Agenda\\_2013.pdf](https://www.kerkargief.co.za/doks/acta/AS_Agenda_2013.pdf), 191-198. See also Verslag van die Moderamen. [Online]. [n.d.]. Available: [https://kaapkerk.co.za/wp-content/uploads/2019/10/AS-2019\\_A.2.1-Verslag-van-die-Moderamen-Finaal.pdf](https://kaapkerk.co.za/wp-content/uploads/2019/10/AS-2019_A.2.1-Verslag-van-die-Moderamen-Finaal.pdf). (2019, December 10).

<sup>398</sup> For more on the Season of Human Dignity that formally came to an end in 2019, see Season of Human Dignity. [Online]. [n.d.]. Available: <https://menswaardigheid.co.za/category/information/> (2019, September 1); and Verslag van die Moderamen. [Online]. [n.d.]. Available: [https://kaapkerk.co.za/wp-content/uploads/2019/10/AS-2019\\_A.2.1-Verslag-van-die-Moderamen-Finaal.pdf](https://kaapkerk.co.za/wp-content/uploads/2019/10/AS-2019_A.2.1-Verslag-van-die-Moderamen-Finaal.pdf). (2019, December 10).

<sup>399</sup> Church unity within the DRC family of churches has been considered as one of the most pressing issues to demonstrate the capacity for reconciliation and justice. Botman writes, "But this [church unity] is the acid test of whether the DRC has finally broken with the racism of apartheid. Church unity between the Dutch Reformed Church and the Uniting Reformed Church is an essential element of truth-telling, reconciliation and reparation. It could be that those who resist church unity understand only too well that the practice and value of unity lies in its political, economic and social relations (Botman, 1999:130). Others have also made this judgement (Cf. Meiring, 1999:288; Meiring, 2003b:116). Boesak centers the issue of church unity in asking whether the DRC can still mean something in South Africa today: "Kortom, die vraag of die NG Kerk nog iets vir Suid Afrika kan beteken, ten minste, iets wat in Suid Afrika 'n verskil kan maak, lê in eerste instansie volkome ingebed in die vraag of die NG Kerk bereid is om kerklike eenheid 'n werklikheid te maak. Want die dinge waaraan Suid Afrika die grootste behoefte het, waarin die redding vir ons land lê, wat werklik hoop sal gee vir al ons mense, is die dinge wat die hart van ons kerklike integriteit uitmaak: eenheid, versoening, geregtigheid. Dis die groot uitdaging. Solank eenheid, geregtigheid en versoening in die NG Kerk omseil word, 'n struikelblok is of nog erger, "omstrede" geag word, is die vraag self futiel" (Boesak, 2008b:42).

<sup>400</sup> Cf. some of the many theological contributions on human dignity in the Dutch Reformed Theological Journal (this publication changed to *Stellenbosch Theological Journal* after 2014): On the interrelated themes of justice, vocation and human responsibility in the biblical traditions, see Claassens, L.J.M. 2011. Human dignity in the prophetic traditions: Upholding human worth in a context of dehumanisation. *Dutch Reformed Theological Journal*, 52(1 & 2 ), March and June:34-44. On human dignity and theological anthropology see Marais, N. 2013.

What is more, a focus on *race* could demonstrate the historical functioning of truth-telling for white Christians, raising the question of how truth-telling has functioned concerning the wrongdoing of racism and whiteness.<sup>401</sup>

In a recent study titled, *In Search of Repair: Critical white responses to whiteness as a theological problem – a South African contribution*, G.J. Van Wyngaard studies the complexities of theology's discursive power that is able to construct and disrupt race. He finds that "...Christians' and the church's questions concerning race and whiteness cannot be addressed by a neat division of doctrine and ethics, and specifically, that racism is not an ethical problem (only)" (Van Wyngaard, 2019b:248). The study by Van Wyngaard underscores what has been argued in this study too - the importance of not separating truth from truthfulness, doctrine from ethics. What has contributed theologically to constituting the problem of whiteness is multidimensional and serves "to take first steps in illuminating what the theological work of dislodging whiteness from a Christian imagination and forming white Christians into a faith less bound to white racism might look like" (2019b:250). This study by Van Wyngaard underscores the observation that an analysis of how the theological practices of truth-telling related to human dignity (as a theological contour of justice) have been constituted, does not yet lead to simple conclusions of how the challenges they present can be addressed. It does this by demonstrating the complexity and particularity of a theological analysis of an issue such as race. It is Van Wyngaard's own method that suggests a critically important contour for the constituting of truthfulness regarding race: the choice to study

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"Eccentric Existence": David H Kelsey oor teosentriese menswaardigheid. *Dutch Reformed Theological Journal*, 54(3&4), September and December:233-247. On human dignity and the structural division within the family of Dutch Reformed Churches Fourie, W. & Van Rooi, L. 2009. Geskeidenheid binne die familie van NG Kerke en die stryd om 'n menswaardige Suid(er)-Afrika: enkele implikasies. *Dutch Reformed Theological Journal*, 50(1&2), March: 85-93. For Reformed reflections on human dignity and Belhar see Koopman, N.N. 2008. On violence, the Belhar Confession and human dignity. *Dutch Reformed Theological Journal*, 49(3 & 4), September and December:159-166 and Botman, H.R. 2006. Barmen to Belhar : a contemporary confessing journey. *Dutch Reformed Theological Journal*, 47(1&2), March and June:240-249. See also Botman, H. R. 2006. Covenantal Anthropology: Integrating Three Contemporary Discourses of Human Dignity, in R.K. Soulen & L. Woodhead (eds). *God and Human Dignity*. Grand Rapids: Eerdmans. 72-88. The journal *Verbum et Ecclesia* (previously, *Skrif en Kerk*) also contains many reflections on the theme of human dignity. The journal is owned, since 2000, by the structures of ministerial education and development of the Dutch Reformed Church and is situated in the Faculty of Theology and Religion at the University of Pretoria.

<sup>401</sup> Despite the fact that speaking of the DRC as a single collective has its limitations, as a collective, the DRC's members carry with them histories of whiteness tied to the upholding of the political and moral vision of apartheid and Afrikaner Nationalism.



whiteness from the perspective of *white* theologians. In his first chapter he acknowledges the importance of social location and states, “This entire thesis is however built on a premise of being critically conscious of how whiteness informs theology and developing such consciousness for the sake of a particular responsibility” (Van Wyngaard, 2019b:5).

This study, in highlighting the complexity of race but also the value of a subjective acknowledgment and positioning, helps to suggest that for the DRC in post-1994 South Africa to take responsibility for human dignity is more than simple, once-off confessions of avowing truth and embodying justice that dismantle unjust structures or transform the avowing subject. To recall McBride, confession of sin as public witness is embodied and enacted in “a pattern of speaking characterized by humble acknowledgement of complicity in specific sin and injustice and of the church’s inherent interconnectedness in the sin of broader society” (McBride, 2012:17). This is merely to acknowledge that discovering how to tell the truth is neither simple nor salvific, but for Christians it is an ongoing process of discovering and confessing God’s truth about oneself, others, and the world.

This continual task is underscored by recalling a statement by Nelis Janse van Rensburg, moderator of the General Synod of the Dutch Reformed Church, at a public gathering organized by the Institute for Justice and Reconciliation in April 2019: “Atonement is always necessary. You keep on with it. You keep on with repentance. Until you make sure everyone who’s been implicated and who’s been part of the legacy of apartheid has heard you. It’s not like we, as the Dutch Reformed Church, can decide we’ve done enough” (Kiewit, 2019).<sup>402</sup> Or as De Gruchy clarifies the ongoing task of reconciliation and truth when he states that

The critical issue facing us in seeking reconciliation is not whether we now know all truth about the past, or even whether we know sufficient of it. The critical issue is what we do with the truth that has been uncovered. The TRC may not have uncovered the whole truth, but it has provided the raw data for the inevitably long and painful bodily encounter with the truth that is part of the on-going process of reconciliation (De Gruchy, 2002:162).

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<sup>402</sup> The challenge on this ongoing task and its generational reach is emphasized by Meiring when he states: “It was not that difficult, it seems, to erase apartheid from the statute books, from the official policy documents of the church – but to get it out of our hearts, was quite another matter! It may take generations to do that” (Meiring, 2003:255).



More than 20 years after the TRC, taking up responsibility through the confession of guilt may still hold potential for whites, especially for socio-economic beneficiaries who have inherited the justification of fencing off their privilege, who live in enclaves, depend on privatization of healthcare and education, who secure their wealth for ‘worst case scenarios’, and who are shielded from public debate about reconciliation and justice through intergenerational security. The legacy of the TRC is indeed intergenerational and dealing with transitional justice historically will require a historical consciousness to achieve justice and reconciliation.

The lack of confession from older generations may have resulted in a sustained, even heightened, self-seclusion of a younger white generation. Can the post-1994 generation embody *Christus praesens*, also as members of the DRC? How will the church equip a younger generation to make sense of the collective moral or metaphysical guilt that being white in South Africa carries? Could more embodied liturgies of confession as truth-telling (alethurgies?) indeed contribute to the long-desired justice? Could the practice of confession for wrongdoing also intersect to apply to all issues of human dignity?

These observations indeed raise the question of whether there is anything for the DRC to be learnt from truth-telling as confession regarding *other* issues of human dignity and theological anthropology, such as sexuality. The theme of sexuality as another dimension of human dignity would be of particular interest to the DRC, considering the fact that it has dominated the DRC’s public witness since 2015.<sup>403</sup> The issue of same-sex partnerships and homosexuality continues to cause disunity within synodical structures and injustice regarding the human dignity of the DRC’s LGBT+ members.<sup>404</sup>

For some cis-gendered, heterosexual members of the DRC, a theological anthropology that affirms the diversity of human sexuality is irreconcilable with the truth that they ascribe to the Bible and the gospel. The topic of same-sex partnerships has thus led to a renewed discourse regarding many theological contours – biblical hermeneutics, ecclesiology, Christian witness,

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<sup>403</sup> For an account of the discourse that led up to the 2015 decision of the General Synod of the DRC on same-sex partnerships, see Bartlett, A. 2017. *Weerlose Weerstand – Die gaydebat in die NG Kerk*. Pretoria: Protea Boekhuis.

<sup>404</sup> LGBT+ is a term that refers to lesbian, gay, bisexual, transgender, as well as any marginalized identity that is not represented by these letters. Sadly, this inclusive language has not been used consistently by the DRC.

and marriage, amongst others.<sup>405</sup> Could the contours of truth, truthfulness and truth-telling also contribute as a helpful division for the discursive power of ‘truth’ in this matter?

The theological connection between the struggle for racial justice and the dignity of human sexuality in the South African context has been made by various scholars and reformed theologians. Quite notably, Allan Boesak has made this connection in his 2015 publication, *Kairos, Crisis and Global Apartheid* in a chapter titled *The Inclusiveness of God’s Embrace: Kairos, Justice, the Dignity of Human Sexuality, and the Confession of Belhar*. Boesak raises important questions about the indivisibility of justice and connects the theological contours of the Confession of Belhar to the embrace of LGBT+ persons (Boesak, 2015: 93).

Considering the self-avowal of social location and identity that strengthens what it means to tell the truth for justice in public: how might the truth-claims of cis-gendered, heterosexual individuals regarding homosexuality be affected? Could it reveal that an ethics of sexuality regarding homosexuality cannot be spoken about or decided upon on behalf of LGBT+ bodies? What value is attributed to the embodied truth-telling of LGBT+ persons as members of the church community?

The issues of race and human sexuality can thus be seen as two of the human identity and human dignity challenges that the DRC is forced to engage with both ethically and theologically. Addressing these as issues in public theology is thus a way of bridging or integrating theological convictions (doctrine) and ethical practices. As dealing with race and sexuality is in no way limited or particular to the Christian faith or to churches, dealing with these issues theologically can be comprehensible and perhaps persuasive to those outside of a religious tradition. Such a dealing with race and sexuality could be of relevance to other contexts seeking social justice related to race and sexuality. It is worth mentioning that such research could also draw on theories of intersectionality to demonstrate the intersection of dealing with the socially and theologically constructed identities of race and sexuality.<sup>406</sup>

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<sup>405</sup> See the reflection by a Dutch Reformed Church theologian and minister, Marais, N. 2017. Saving Marriage? The sexuality debate in the Dutch Reformed Church of South Africa. *Sárospataki Füzetek* [Sárospatal Theological Journal], 21 (2), 71-85.

<sup>406</sup> For an introduction to the theory of intersectionality and its theological possibilities, see the work by Kim and Shaw (2018). In their preface they observe the value of an intersectional theology: “A truly intersectional theology is messy. It encompasses all the contradictions, differences, and difficulties of human experience, and that means

From the Faith Communities hearings, it was clear that the Dutch Reformed Church understood its own form of truth-telling – in the past but also for the future - as ‘prophetic’. What could a shift to a more pastoral or priestly office invite? Bonhoeffer writes that “Hearing confession belongs to the pastoral office. Hearing confession is a commission of the church-community” (DBWE 11:328). The personal *metanoia* in the witnesses by white Dutch Reformed theologians and church leaders attest to the transformative power of pastoral encounters. Narratives of recognition permeate the ‘conversion’ narratives of white Reformed theologians such as Beyers Naudé, Jaap Durand, Klippies Kritzinga and Willie Jonker. For these truth-tellers, truth-telling was embodied in the sense that their discipleship grappled with other’s truth-telling. Their faith was also more than mere words, as De Gruchy reminds that a confession of Jesus as Lord is more than words: “The church suffers from a plethora of words, even fine confessional statements, and a paucity of deeds. But the theology of the cross insists that such words have integrity only when they arise out of discipleship, commitment, and action in ways that are contextually appropriate. That is the significance of confessing Jesus as the crucified, liberating Lord” (De Gruchy, 1984: 140).<sup>407</sup>

As a truth-seeking community, the DRC continues to search for what it means to tell the truth for justice. In 2002 a publication by DRC ministers was published under the title, *Draers van die waarheid: Nuwe Testamentiese visies vir die gemeente* (Bearers of the truth: New Testament visions for the congregation - my translation).<sup>408</sup> In this contribution to a book series on church ministry, the authors recall the injunction of the writer of 2 Timothy: “Do your best to present yourself to God as one approved, a worker who has no need to be ashamed, rightly handling the word of truth” (2 Tim. 2:15). The DRC’s own missional ecclesiology and public

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that sometimes we won’t find a direct line from point A to point B to ultimate Truth. Instead, we will find questions, people who are nothing like us, ideas that terrify and challenge us” (2018: xv).

<sup>407</sup> In a 2008 reflection on the question, *Kan die NG Kerk vandag nog iets vir Suid Afrika beteken?* (Can the DR Church still mean something to South Africa, today?), Allan Boesak reflects on the issue of power for the DRC. He states, “Die vraag mag nooit meer wees of die NG Kerk *ten spyte van sy politieke magsverlies*, maar gelukkig *danksy sy ekonomiese magsbesit* nog iets vir Suid Afrika kan beteken nie. Eerder moet gevra word of die NG Kerk met gesag, die gesag wat rus in die weerlose vertroue in God, in die betroubaarheid vanweë die gehoorsaamheid aan God, en in die profetiese getrouheid vanweë die oorgawe aan Jesus Christus, kan praat en doen. Kan die NG Kerk, met die gesag gewortel in die hoop van die magteloses: die armes, die weerloses, gay mense, vroue - daardie gesag wat nie afgedwing kan word nie, maar waarmee die kerk hoopvol vertrou word, iets vir Suid Afrika beteken?” (Boesak, 2008b: 41).

<sup>408</sup> See Burger, C.W. & Nel, I.A. (eds.). 2002. *Draers van die waarheid: Nuwe Testamentiese visies vir die gemeente*. Stellenbosch: BUVTON.

witness may benefit from handling the truth in a manner that testifies that they *belong* to the truth, rather than *possess* it; that their witness makes room for the God-given human dignity of the stranger, the other, and even those that threaten their grasp of the truth; that embodied truth-telling can be welcomed, even known, without the need to first convict or convert unfamiliar bodies of truth.

## 6.6. Conclusion

*Thus, the believer standing where Jesus stands is not someone who can only be 'at home' in a specific bit of this worldly territory. He or she has become a person at home everywhere and nowhere. If our considerations of the struggle and frustration involved in living in the truth might lead to the conclusion that such a life was marked by endless tension, dissatisfaction with the present moment and the present time, this is a crucial point of correction. We are not – it seems – permitted to be at home in the sense that we can feel ultimately satisfied with where and what we are, longing to hold on to it and unwilling to respond to challenge; we are not to settle down in our place and our time because we feel comfortable. There are always questions to be asked by us and of us. That said, however, what is asked of us is a commitment to the here and now – our questioning can ever be an attempt to deny or to escape the present moment. To know this moment, this place, this body, this set of memories, this situation, for what it truly is and to accept this as reality, the reality with which God at each new instant begins to work: this is the 'being at home' we have to learn*

(Williams, 2000:85).

*The truth is validated by the majority, they say. Or you bring your own version of the truth to the merciless arena of the past – only in this way does the past become thinkable, the world become habitable. And if you believe your own version, your own lie – because as narrators we all give ourselves permission to believe our own versions – how can it be said that you are being misleading? To what extent can you bring yourself not to know what you know? Eventually it is not the lie that matters, but the mechanism in yourself that allows you to accept distortions. ....*

*And so, if the truth is to be believed in this country, it must perhaps be written by those who bear the consequences of the past*

(Krog, 1999:133,134)

In conclusion, it can be reiterated that this study has found that conceptual clarity regarding what it means to tell the truth has made a theological enquiry into truth-telling more suited to the demands of restorative justice. It is more suited to the demands of working with verifiable (whether through judicial practice, personal testimony or other) information; the demand of qualifying and identifying who is responsible for the action steps necessary to bring about justice; and the demand to know how those telling the truth come to know what they claim as truth and as true.

Conceptual clarity on truth-telling has thus helped to ask how truth and truthfulness *function* in their embodiment. That is to ask what effect the truth that is being claimed, and the value of truthfulness expressed, have on both the subject and their relationship to those whom it is expressed. A choice for *truth-telling* helps to identify the framework of meaning underlying the truth-claim, while also scrutinizing its effect, especially on the subject. These perspectives have thus provided preliminary answers to the primary research question: *how can a theological hermeneutic of truth-telling engage the ethical discourse of Reformed public theology within South Africa's transitional justice context?*

The South African transition that began with the TRC and its catharsis of truth is still being negotiated in legal, political, social, and religious struggles for justice and reconciliation. A Christian response can never be concluded or completed but must continue to search the contours of where Christ stands, as these words by Rowan Williams invite us to the place from where we can continue, with honesty, to search for what it means to be 'at home'. Moreover, the truth-telling of "those who bear the consequences of the past" will need to be centered for restorative justice to be achieved.<sup>409</sup>

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<sup>409</sup> This study has made a very limited contribution to transitional justice and truth commissions and value can be drawn from comparing the South African TRC and context with other contexts and other commissions. For a study on the confession of guilt in Germany see Von Kellerbach, K. 2013. *The Mark of Cain: Guilt and Denial in the Post-War Lives of Nazi Perpetrators*. New York: Oxford University Press. *The Mark of Cain* explores a history of conversations that contributed to Germany's coming to terms with a guilty past. The biblical story of Cain link redemption with remembrance and suggests a strategy of critical engagement with perpetrators.

This final chapter has not tried to resolve the tension between truth and justice by presenting a theology of truth-telling as a new epistemic, redemptive solution for justice, however defined. The many visions of the common good in South Africa have been mapped out in this study, thereby providing some coordinates for the specific and contextual challenges of justice.<sup>410</sup> More specifically, the demands of transitional justice and the nuances of *restorative justice* have colored the use of justice in this study. Public theology can indeed choose to act out and support a range of imaginative constructs or social imaginaries. Instead of promising redemption, or salvation, truth-telling can straddle the tension between epistemology and ethics and acknowledge this plurality by considering embodiment.<sup>411</sup> Such a performance of truth-telling commits to not only believing or ascribing a truth in theory, conceptually, abstractly, without context, but rather to suffer or benefit from the consequences of having constituted the truthfulness of such a truth. This study has thus consistently emphasized the value of drawing contour lines that are embodied, and therefore are not meant to construct a map for all places or all times.

To conclude, I can recall what has been not only my intention throughout this study, but also my hope for a just future and for the spaces and places that I embody: that speaking truth as confession may free one from acting like the proprietor of truth. Speaking truth without seeking embodied justice is immobilizing, paralyzing. It leads to manifestations of harmful fundamentalism or cynicism. Conversely, truth-telling can be done as an act of love; as a recognition of belonging to God. In love, truth knows freedom. In love, truth can be told without coercion. In love, truthfulness becomes vulnerable honesty, deep knowing, conscious

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<sup>410</sup> In his reflection on the theological advocacy of churches and theologians on the TRC, Tinyiko Maluleke posed the challenge that arguably still continues, even more than two decades after the TRC started its work. He writes, “Our task is to probe the provisions upon which the TRC has been established, observe its competencies and functions and do so with a clear distinction between TRC ideals and its actual progress on the ground” (1997:334). This is a greater task than merely showing support for the “instruments of democracy” and their application. He calls for continued debate on the philosophies and theologies upon which they are based from the perspective of “our radical theologies of liberation”; theological reflection that is “sharp, thorough, deep and honest” (1997:334, 335). In this sense, Maluleke calls for “social hermeneutics” that is able to read and interpret the signs of the time.

<sup>411</sup> Smit helps to articulate how the notion of pluralism can be understood in ways too “innocent” and “harmless” to bring into the light the breadth of the inequalities and injustices that divide the South African society. He states: “Our society was and remains not merely pluralistic and different, but deeply unequal, unfair and unjust, oppressive and exclusive, in myriads of complex ways. We suffer from histories of inequality. ... The term pluralistic may simply be too innocent to remind us of all these tensions. It may suggest that we are equal in all respects, only different, but that would be far from the truth” (Smit, 2017: 293).

affection. In ending, these words by Dietrich Bonhoeffer serve as a gentle reminder of what living and loving by God's truth promises:

The truth shall make you free.  
Perhaps this is the most revolutionary word  
in all of the New Testament.

The *truth* shall make you free,  
this is extremely unpopular, at all times.

All of us are afraid of the truth.  
This anxiety is essentially our anxiety of God.

God's truth is God's love  
and God's love frees us from ourselves  
for the other.  
To be free means nothing else except being in love.  
And being in love means nothing else except  
being in God's truth.<sup>412</sup>

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<sup>412</sup> These words are translated from German as printed in the Dietrich Bonhoeffer Works 11, *Ökumene, Universität, Pfarramt 1931-1932* (Frick, 2010:14).



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